

TEXTS AND STUDIES OF THE JEWISH
THEOLOGICAL SEMINARY OF AMERICA, VOL. I

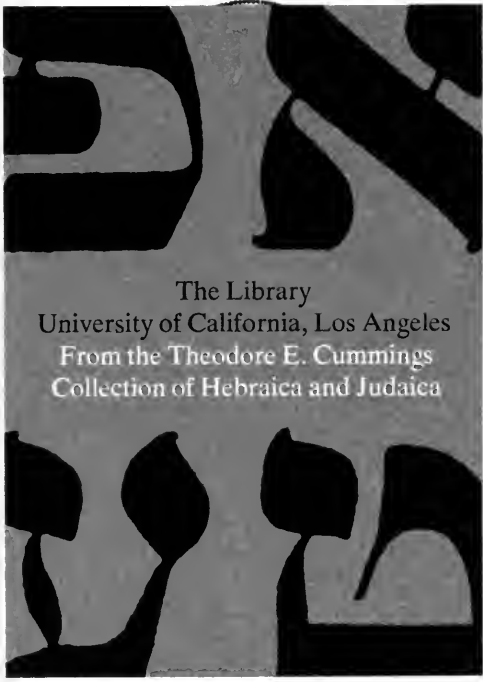
GEONICA

BY

LOUIS GINZBERG

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GEONICA

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THEOLOGICAL SEMINARY OF AMERICA, VOL. I

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LOUIS GINZBERG

I

THE GEONIM AND THEIR
HALAKIC WRITINGS

NEW YORK

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TO THE MEMORY OF

ISAAC LEESER

FOUNDER OF THE FIRST AMERICAN COLLEGE
FOR HIGHER JEWISH LEARNING THIS FIRST
PUBLICATION OF THE JEWISH THEOLOGICAL
SEMINARY OF AMERICA IS DEDICATED

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PREFACE

THE centuries between the final redaction of the Talmud and the beginning of Jewish culture in the West is one of the most obscure periods in the history of the Jews of post-Biblical times. If we regard the literary productiveness of a people as the only standard by which to measure its culture, then we must confess that this was a period of decline; the Geonic epoch has not brought forth one monumental work. Yet, a period which has produced such powerful religious movements as Karaism and mysticism, and has for the first time made a serious attempt to harmonize Hellenism with Talmudic Judaism cannot be considered as stagnant. The first step towards a correct understanding of this period must be a clear comprehension of the institution which gave it its name: "the Gaonate." With the exception of R. Saadia, who flourished toward the end of this period, we meet with no name of the first magnitude. But, the less important the Geonim were in themselves, the more important must have been the Gaonate to be able to impress its stamp upon several centuries. The fundamental question which we have to answer before we proceed to form an estimate of this period is: Were the Geonim *only* heads of Academies, or were they representatives of authoritative bodies?

The first volume of this book presents some material towards the solution of this question. Granted that we will never be able to form an adequate picture of the activity of the Geonim, for the contemporary sources are too meagre for this purpose, yet I hope to have shown that the Gaon was more than the president of a scholastic institution. The results of my studies are mostly directed

*

against the conception of the Gaonate as formulated by Isaac Halevy in the third volume of his *Dorot ha-Rishonim* (Pressburg, 1898), according to whom the Academies were only Talmud-schools, and the Geonim Talmud teachers. In spite of all his Rabbinic erudition and extraordinary critical acumen Halevy has contributed but little towards the understanding of the Gaonate. His bitter attacks upon men like Rapoport, Frankel, Weiss, Graetz, and other Jewish scholars are but poor compensation for the lack of positive results.

In accordance with my conception of the Gaonate as an authoritative body, I have, in dealing with the literary activity of the Geonim, confined myself to their Halakic writings, since it is only in the Halakah that the authority of the Geonim found its full expression. In the chapter, "The Halakic Literature of the Geonim" (pp. 72-205), I have given a survey of the literary activity of the Geonim along the different departments of the Halakah: Codification, Talmud exegesis, Responsa, and Liturgy. I hope that my investigation about the *Seder R. Amram* (pp. 119-54) will interest even those to whom the Halakah is either a *terra incognita* or a *noli me tangere*. Upon no other department was the activity of the Geonim so decisive and important as upon the Liturgy, yet even this branch of research remained uncultivated.

Conscious of the fact that in many respects I have chosen a way which not all will be ready to follow, I only claim credit for having undertaken anew the examination of some important questions relating to the history of the Geonim, which may lead others to study this very obscure period of Jewish history.

A considerable part of the material utilised in my representation of the history and literature of the Geonim is taken from the Genizah. There is no

exaggeration in maintaining that the discovery of the Genizah by Prof. Solomon Schechter was in no other department of Jewish learning so epoch-making as in the history of the Geonim. Prof. Schechter's *Saadyana* (Cambridge, 1903) is a fair specimen of what we may expect from the Genizah for the understanding of the Geonic period. Indeed it is a veritable treasure trove for the history of this period. New Halakic material, however, has not been brought forth from the Genizah till now, and yet no one will doubt, except those who are given over to philological trifles or theological sophisms that it is the Halakah alone which gives us a true mirror of that time. Especially is this the case with the Responsa which deal with life in all its aspects. They enable us to penetrate into the study of the scholar as well as into the home of the everyday man.

The second volume consists of Halakic Fragments from the Genizah now stored in the Taylor-Schechter collection in the Cambridge University Library, and in the Bodleian at Oxford¹. The first thirty-eight fragments are Geonic Responsa², which hitherto were entirely unknown, or which differ in some way from the form in which they have been known. I have disregarded such Geonic Responsa from the Genizah as are identical with those previously printed as well as those which are written in Arabic. With the exception of a few very badly damaged fragments, this book contains nearly all the Geonic Responsa from the Genizah in the above-mentioned libraries.

The Fragments coming from the Bodleian were copied by myself, and I can therefore confidently

¹ Comp. Index s. v. גניזת סאדיא and גניזת סאדיא. Pages 1-165 were first published in the *Jewish Quarterly Review*, XVI-XX.

² Frag. XXXIV is a part of R. Nissim's *Mafteah*, which I have incorporated in this book, as the *Mafteah* is mainly based on Geonic Responsa.

vouch for their correctness in reproducing the original. For the copies of the Cambridge Fragments I am indebted to Ernest Worman, M.A., Cambridge.

The Fragments reproduced here line for line, page for page, are preceded by short introductions describing the manuscripts and the nature of their varying contents. I have made it a point to call the reader's attention to certain interesting Halakic views expressed in the Fragments. I was brought up in surroundings where the understanding of the Halakah was the chief subject of Jewish learning, and even now I cannot free myself of the view that the Halakah ought to be no less important than the correct spelling of an Aramaic preposition.

The Appendix to the second volume contains nine Fragments (XXXIX–XLVII) of the *She'iltot* and *Halakot Gedolot*. The importance of these Fragments in the study of the early Geonic literature is fully dealt with in the first volume (pp. 91–3, 108–9), and also in the introductory note (pp. 349–52) preceding them.

To facilitate the use of the Fragments I have added two Indices. The first, arranged according to the *Shulhan 'Aruk*, gives the subject of the Responsa; those containing explanations of Talmudical passages are indexed at the end of this in accordance with the order of the Talmudical treatises. The second index is alphabetical, and deals with the historical or philological matter found either in the text of the Fragments or in the notes and introductions accompanying them.

I desire to acknowledge my indebtedness to the authorities of the Cambridge University and Bodleian Libraries for courtesies shown me in connexion with the present work.

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I.

THE GAONATE.

PALESTINE AND BABYLONIA.

“THE staff shall not depart from Judah’—the Exilarchs who govern the people with the ruler’s rod; ‘nor a lawgiver from between his feet’—the descendants of Hillel who instruct the people in the Torah.” This brief, vivid characterisation of the two great Jewish institutions of the Talmudic time, by a Jewish sage living at the beginning of the second century¹, remained no less true in the centuries that followed. In spite of friction now and again between the later Patriarchs and the intellectual leaders of the Palestinian Jews², the dissension never reached the point of causing a separation of the [spiritual power from the worldly power] in Palestine. Though the Patriarchs were not always the actual presiding officers of the chief academy, *de jure* they were looked upon, in Palestine and outside, as the spiritual heads of the Jews. For instance, the last important achievement that may be credited to the account of the Jewish scholars of Palestine, the fixation of the calendar, in the middle of the fourth century, is closely connected with the name of the Patriarch Hillel II, and, as late as the second half of the same century, the surveillance of religious conditions in [the Diaspora still lay in the hands of the Patriarch,] as we may learn from the account of a Christian author of the time. The Patriarch dispatched

¹ *Sanhedrin*, 5 a; this anonymous Baraita must have originated in the time of the Patriarch Rabbi Judah I; the earlier Tannaim make no sort of mention of the Babylonian Exilarchs.

² Comp., for example, *Yer. Sanhedrin*, beg. of second chapter.

* messengers, "apostles," not only for the purpose of collecting moneys, but/also, in the words of Epiphanius¹, "to maintain the observance of the law, and dismiss unfit archisynagogues, priests, presbyters, and ministers."

In/Babylonia conditions were vastly different. From the earliest time there had prevailed a sharply marked [dualism.] The Exilarchate, which/could count upon the support of the non-Jewish government, was a political power and nothing more. It permitted no interference in its province, either from within or from without². Beginning with the early years of the third century, the scholar's estate developed more and more into an essential element in the life of the Babylonian Jews, though it lacked a unified expression of its authority. There were, indeed, the Academies, especially the two great central

¹ Epiphanius, *Adv. Haer.*, XX, 4 and 11, on the Jewish apostles. For details, comp. Harnack, *Die Mission und Ausbreitung des Christenthums*, 237-40; Krauss, *J. Q. R.*, XVII, 370-83; and Vogelstein, *Monatsschrift*, IXL, 427 et seq. Apparently the Babylonian Geonim followed this example and sent out apostles. Rabbi Nehemiah Gaon speaks, in his letter dated 962, of *הנה שלחו על יד יקראו מ"ר שלמה הוקן החשוב הפקר שלנו אגרת פרוחה אל הקהלה* (*J. Q. R.*, XIX, 106). Likewise Rabbi Samuel Ibn Hofni speaks of *הנה שלחו על יד יקראו מ"ר שלמה הוקן החשוב הפקר שלנו אגרת פרוחה אל הקהלה* in one of his letters (*J. Q. R.*, XIV, 308). This expression conveys the notion that the office of פקר was an old institution. In the year 750, we find Abi 'Ali Hassan, of Bagdad, as "the head of the congregation" of Fostat (*J. Q. R.*, XVII, 428). The idea suggests itself that he was sent upon a mission by the Babylonian authorities. In another Genizah fragment, *J. Q. R.*, XIX, 740, *ר' עמרם השליח*, "the apostle Rabbi Amram" is mentioned, who, however, seems to have been deputed by the Palestinian Geonim. On the other hand, Rabbi Eleazar Alluf, in Babylonia in 850, who gave the Geonim information about Spain, was not a returned emissary of the Geonim, but a native Spaniard, as we learn from the description of him in Harkavy, 201, and Schechter, *Saadyana*, 76: *וכר היה הכה מר רב אישור אלוף בר מר רב שמואל דמן אולימאני*. He went to Babylonia, and probably took up his residence there, for we find him there in 875 (Harkavy, l. c.). The custom of the Academies, discussed in *G. S.*, p. 302, of disposing in the month of Adar of the questions submitted to them from all parts is probably connected with the dispatching of the messengers, as the Patriarchs also sent their apostles out in this month, according to Krauss's correct observation (l. c., 374, note 4).

² *Sanhedrin*, 5 a; *Yer. Baba Bathra*, V, end; and elsewhere.

bodies at Sura and Pumbedita, but they wanted the means of making effective powers of themselves. The Academy in Palestine, situated in the town in which the Patriarch resided, was the highest [court of justice] no matter who and what the president might be at a given time, thus in a measure representing the old Synhedrion¹. In Babylonia, on the other hand, the [importance of an Academy] depended upon the learning of the presiding chief. So long as Rab Huna and Rab Hisda were connected with the Academy at Sura, it was in the lead, and Pumbedita was pre-eminent when it could boast of a Rabbah, a Rab Joseph, and other scholars of equal note. Yet, however brilliant the respective representatives of the Academies might be, neither of them could lay claim to exclusive authority. For instance, when the Academy at Sura, under the leadership of Rab Huna, was enjoying its palmiest days, many a scholar, like Rab Nahman and Rab Anan, refused to subordinate himself to its rulings².

This was exactly as it should have been. The truth of the popular saying, [Knowledge is power,] has been verified abundantly in the course of Jewish history. Since the destruction of the Jewish State, it has been Jewish knowledge that has always kept the Jews together, though they were scattered over all the continents. But to be a power, intellectualism must clothe itself in a concrete form, and for this there was no provision in the Babylonian Academies,

¹ *Sanhedrin*, 31 b, where ביה דורא is not, as Rashi holds, some place or other at which scholars foregathered, but the Academy over which the Patriarch presided, as may be seen plainly from *Yer. Berakot*, IV, 7 d, and *Yer. Sanhedrin*, II, beg.

² Comp. *Ketubot*, 69 a, where Rab Anan addresses the head of the Sura Academy as דווא חבין, which evokes many an unpleasant remark. Rab Nahman also speaks of דווא חבין, and, as Rabbi Sherira, in his Letter, 32, 13, observes with fine insight, Rab Nahman did not acknowledge the head of Sura as an authority superior to himself. Also the passage *Kiddushin*, 70 a, throws light upon the relation subsisting between Rab Nahman and Rab Huna. He did not consult with the latter when he cited Rab Judah, the chief of the Pumbedita Academy, before the court.

as long as they were purely (spiritual centres,) destitute of every vestige of temporal authority.

Keeping this state of affairs in mind, we cannot find it surprising that the Babylonian Academies were not yet able to take the place, as they afterwards did, of those in Palestine, when the latter entered upon a period of rapid decline, beginning with the dominance of the (religion of love,) the adherents of which extirpated the Jewish culture of the Holy Land with fire and sword¹.

The importance of the Babylonian Academies dates from the so-called Geonic time. To be accurate, it is about the end of the seventh century that they begin to appear as the paramount (power of the whole of the

¹ In the Geonic time, the superiority of the Babylonian Talmud was acknowledged even in Palestine, in connexion with which the Responsum reproduced in *G. S.*, pp. 50-3, is of interest. Its author was a Palestinian scholar in the latter half of the eighth century, who, in his discussions, refers only to the Babylonian Talmud and the Gaon Rabbi Jehudai. Also in the Ben-Meir controversy the Palestinians appeal to the Babylonian and not the Jerusalem Talmud. Rabbi Paltai, ט"ז, 63 b, 40, expressed himself very harshly concerning certain Palestinian customs: כוונים אינון. והווען אינון שוא ודבר כוב קאמר' וליה למיחש לה משום כרעם בעלמא. His words give poignant expression to the decay of Palestinian supremacy in Babylonia. The last demonstrable case of Babylonians applying to Palestinians for a decision is that mentioned in *Hullin*, 59 b, for the Rab Samuel ben Abbahu of this passage is the Sabora of that name, who, according to Rabbi Sherira's statement, Letter, 34, 18, died in 505. Neubauer's text has the incorrect reading בר יודרה instead of אבדו, as Wallerstein has it. On the other hand, Neubauer's reading in the previous line, נידומאי, is preferable to רדומי, as appears from MSS. M and O of *'Erubin*, 11 a, which have נדומי, while in the parallel passage, *Menahot*, 33 b, MS. M also reads רדומי—a corroboration of Rabbi Sherira's statement that the name has been transmitted in two forms, נדומי and רדומי. Halevy remarks, in *Dorot ha-Rish.*, III, 13, that Rabbi Sherira was so exact as to record so insignificant a variant as רדומאי and רדומי! Nor can Halevy be endorsed in what he says (p. 7) about the colleague of Rabbi רדומי, אבא יודי, whose name he changes into ר' יוסף. The Responsum given in *G. S.*, p. 53, confirms the reading אבא יודי. This unusual name was corrupted into ר' יודי and ר' יוסף, which were more familiar forms to the copyists. Comp. Rabbi Aaron of Lunel, אר' דיים, II, 194, who reads: ר' נחמן . . . רב יוסף, in *Menahot*, l. c., the first undoubtedly corrupted from נדומי, and additions to *G. S.*, p. 49.

Jewish Diaspora,] and at the same time as a properly organised institution with well-defined rights and claims.

A homilist of the Geonic period gives a telling description of the importance of the two Academies, the one at Sura and the one at Pumbedita¹. "God made a covenant with Israel," he says, "that the Oral Law shall never depart from his mouth until the end of all generations, and therefore the Holy One, blessed be He, established these two Yeshivot, that the Torah may be studied in them day and night. . . . These two Yeshivot have had no captivity to endure, and no religious persecution. Neither Javan (Greece) nor Edom (Rome) has had power over them. Twelve years before the destruction of Jerusalem [under Nebuchadnezzar], God sent the great masters of the Torah into exile, with Jeconiah, to Babylon, where the knowledge of the Torah has been cherished without an interruption until the present day."

This great distinction of the Babylonian Academies, of having maintained the [continuity of the tradition] from the Biblical to the Geonic time, is a subject frequently referred to by the Geonim². Nor can it be denied that the hegemony exercised by the Babylonian Jews for about four centuries is due in part to the circumstance that at the

¹ *Tanḥuma, Noah*. This *Derashah* is introduced with the words אלה הנה, which have no sort of connexion with the rest of the contents. The only possible explanation is that this homily on the importance of the Academies does not belong to the section Noah, but to the following one, לך לך, the Pentateuch lesson read on the שבתא דריגא, the Exilarch's reception Sabbath, on which a sermon was delivered by the Geonim, or, to be accurate, by the Gaon of Sura (comp. below, pp. 45-6 and 94). A favourite subject for this sermon was the duty of supporting and paying deference to the Academies. The *Tanḥuma* passage cited is one of these sermons, one actually held on the occasion mentioned. In the older form of the *Tanḥuma*, its place was at the beginning of the lesson לך לך, the new section being marked as such in the usual way, by the closing words אלה הנה of the previous section הנה. In the course of the many modifications to which the *Tanḥuma* was subjected, the piece came to stand in the middle instead of the end of the lesson הנה.

² Comp., for instance, the anonymous Responsum in דגון, IV, 73, which here and there agrees literally with the *Derashah* in *Tanḥuma*.

time when Palestine ceased to be the spiritual centre of the Jews, Babylonia, with more justification than any other country, could boast of a steady development of Jewish culture extending over a period of several centuries. But to look upon the Gaonate simply as a direct [continuation of the activity of the Amoraim] were as unhistorical as to represent the scholars, the תלמידי חכמים, of the Tannaitic time as another appellation for the [disciples of the prophets,] בני הנביאים of the Bible. It is true the scholar had the same task to accomplish as the prophet¹. Both were the teachers and spiritual leaders of the people. But the life of the Jewish nation during the period of the Second Temple, politically and religiously considered, differed so essentially from its life under the Judges and the Kings, that the respective leaders in the two epochs perforce show radical differences, in spite of a number of ideals held in common. And how far removed in character [the Geonic Academies were from the Talmudic Academies] will appear in part from the points about to be discussed.

SALIENT FEATURES OF THE GAONATE.

Any Talmudic treatise selected at random will reveal dozens of authorities on every folio, who were neither presidents of Academies nor connected with the Academies in any official way. From the rise of the schools in Babylonia under Rab until the death of the last Amora, Rabina, scarcely a dozen names of heads of Academies can be mustered, though the number of Amoraim runs up to hundreds. On the other hand, if we examine the Geonic Responsa for a period of about 400 years, we shall find that the name of hardly a single authority who

¹ The following words of R. Saadia in Harkavy, *Saadia*, 158, are very interesting: "As the prophets led it [the Jewish nation] in their times, so the righteous lead it in their generations."

is not a Gaon has come down to us¹. A phenomenon that speaks volumes! In the Talmudic time the Academy was

¹ Müller, in his *Mafteah*, has recorded Responsa by Rabbi Nathan, whom he considers the same as the uncle of Rabbi Sherira. But of the latter, Rabbi Nathan Alluf, we have no Responsa. The former, as will be shown below, p. 31, is Rabbi Nathan ben Hananiah, of Kairwan. We also have Responsa by Rabbi Dosa, the son of Rabbi Saadia, but it must be remembered that the Sura Gaonate is to be considered extinct after the death of Rabbi Saadia, barring only the brief period of Rabbi Samuel ben Ḥofni's activity. It was natural, therefore, that Rabbi Dosa, the worthy son of his great father, should be considered the representative of the scholars of Sura, and as such should be addressed for decisions. The Rabbi Hezekiah ben Samuel, "the grandson of Rabbi Paltai," mentioned in *G. S.*, p. 59, is doubtless identical with the writer of the letter, dated 953, which was published in the *J. Q. R.*, XVIII, 401-3, and is not the grandson, but the great-grandson of Rabbi Paltai, as was surmised by the present writer, before the publication of the fragment containing the letter, *J. Q. R.*, XVIII, 225, which now establishes the true relationship. Whether this Rabbi Hezekiah wrote Responsa is questionable. However, as the words כְּרִיבָה שְׁלוֹחָה, in *G. S.*, p. 59, would seem to indicate, he sent his essays on certain Talmud passages unsolicited to Rabbi Baḥlul ben Joseph. But even if questions had been addressed to him, this would not have disproved my opinion; it was to be expected in the condition of the Academies at his time. Sura had no Gaon, and Pumbedita was divided between two factions, the adherents of Rabbi Aaron and those of Rabbi Nehemiah. The congregations that desired to keep aloof from the dispute had no choice but to address their questions to some distinguished scholar like Rabbi Hezekiah. The same explanation applies to Rabbi Ḥofni, the father of Rabbi Samuel, Gaon of Sura, to whom a Responsum is ascribed in *'Iṭtur*, I, 3 b. Rabbi Ḥofni's activity as Ab Bet Din (of Pumbedita?) coincides with the time of Rabbi Hezekiah's. It is, however, very doubtful whether the passage in the *'Iṭtur* should not read לְרַבּי הַפְּנִי instead of לְרַבּי הַפְּנִי. Comp. Harkavy, *Ḥofni*, note 2. It should be noted that the remark made by Rabbi Hezekiah, *J. Q. R.*, XVIII, 401, bottom . . . כְּרִיבִי וְקִרְבִי, refers, not to questions addressed to his grandfather, the Ab Bet Din Tob, but to a friendly correspondence. He speaks first of the שְׁלוֹחָה submitted to the Geonim Rabbi Paltai and Rabbi Zemah, and then of the כְּרִיבִי addressed to Rabbi Tob. With regard to Rabbi Zemah ben Solomon, the Ab Bet Din of the Exilarchate who wrote Responsa, comp. *G. S.*, p. 303. Of Rabbenu Hai we have Responsa dating from the time when he was אֲבִיר; the reason he was called upon to write them was because his father, in his advanced years, transferred some of his duties to his son. The Responsa bearing the name of Rabbi Eleazar Alluf were not written by him; they are decisions of the Geonim transmitted by him to his

not an institution vested with rights and authority, it was only a gathering-place for scholars. But during the Gaonate the Academy grew into a power, conferring dignity upon the presiding officer, and authority as well, while the influence of the outside scholar, who did not represent the Academy, was purely individual, effectual only in the measure of his personality.

The point can be proved by more positive evidence than a mere *argumentum ex silentio*. From the remark about to be quoted it appears unmistakably that it was the exclusive right of the Gaon to reply to the questions addressed to the Academies. Not even the *ר"ש כלל*, the third in rank¹, enjoyed the privilege. In a Responsum, probably from the hand of Rabbi Natronai², printed in *G. S.*, p. 31, we have the following: *ודלא כתב לכם דלא רישא*—“That he [Rabbi Simonai] did not write you regarding this question is due to the circumstance that he was not the head [of the Academy], but only the Resh Kalla³.” Even in a case like the one dealt with in the Responsum under consideration, in which the

countrymen in Spain; comp. *ה"ט*, 130, and *פ"ט*, 26 b, 23. Rabbi “Asaph” (*J. Q. R.*, IX, 689, top) is not to be emended to Joseph; he is the Rabbi Asaph who was the *ר' סור* during the Gaonate of Rabbenu Hai; comp. *R. É. J.*, LV, 50. His opinion was probably given orally to Rabbi Elhanan. Notice that in *J. Q. R.*, l. c., he is called simply *ר*, while the authorities preceding and following him bear the title Gaon.

¹ Besides “the seven *נלוח*” (Rabbi Nathan, in his report, 87, 16), the title of the seven most prominent members of the Academy, there must have been also “the *ר"ש כלל*,” who took an active part in the instruction given at the Academy. It seems that Rabbi Hai occupied this office before becoming *אב"ד*; comp. *Saadyana*, 118. I do not know whence Harkavy, *Saadia*, 144, note 7, derived his statement that Rabbi Hananiah, the father of R. Sherira, became Gaon only after having occupied the offices of *ר"ב* and *אב"ד*.

² Comp. *ה"ט*, 15, and *אשכול*, III, 49.

³ The subject of *נרב* may possibly be Rabbi Haninah, so that the passage would read, “that he [Rabbi Haninah] did not write it to you [that the *ר' כלל* was of his opinion] is due to the fact that, &c.” In any event, the inference to be drawn from the passage is that the *ר"ב* replied to no question, and even in a case like the one under consideration, the Gaon made no mention of him.

testimony of the Resh Kalla was of importance, the Gaon does not refer to him with a single word. The Amoraim had found it unbecoming conduct in the Patriarch Rabbi Simon ben Gamaliel that, using the singular in a formal announcement, he failed to include his colleagues (*Sanhedrin*, 11 a-b). What would they have thought of the official style of their successors, the Geonim? Personal arrogance, it need not be said, can be charged neither against Rabbi Simon nor against the Geonim. In a college of scholars, the presiding officer is *primus inter pares*, but the Patriarch in early times, and later the Gaon, were the representatives of an institution that acknowledged one head alone¹.

In attempting to appraise the Gaonate, the transmission of the office from member to member in a limited number of families, is a most suggestive feature². During the last three centuries of the Geonic period, or what was the Geonic period properly so called, we have, for example, the following data concerning the Gaonate of Pumbedita. The Gaon Dodai (761), brother of the celebrated Gaon Jehudai, bequeathed his office to his son Rabba, and no less than six of Rabba's descendants occupied the position after him — his grandson Joseph ben Mar Rabbi and his great-grandson Mattathias in one line, and in another line four of his descendants belonging to successive generations, Judah, Hananiah, Sherira, and Hai, the first of them representing the fourth, or perhaps the fifth generation removed from Rabba³. Out of a total of 277 years, Dodai and these descendants of his enumerated here occupied the Gaonate 102.

¹ There are cases on record which the Geonim decided in opposition to the opinion of the Academies, see Nahmanides, *Miḥemet*, *Kiddushin*, 9, and נ"ג, 82, 226. The frequent references made by the Geonim to the customs of the Academies are to be taken not as marks of respect shown to colleagues and disciples, but rather to the institution as such.

² The data upon the Geonim families that follow, unless other references are given, are taken from the Letter of Rabbi Sherira as their sole source.

³ Comp. below, pp. 70-1, on the degree of kinship between Rabbi Judah and Rabba.

Besides this prominent family, claiming Davidic descent, there was another family of Geonim of great influence, the priestly family¹ to which belonged Rabbi Abraham Kahana (about 750), in all probability the successor to his brother Natronai². Rabbi Abraham himself was followed first by his son Ḥanina and his grandson Kahana, and then by his other son Abumai. Furthermore, the Geonim Aḥai³, his son Ḳimvi, and his grandson Mebasser, seem to have been descendants of the same Rabbi Abraham.

Sherira, our only source, was not interested in family relations, except as his own were affected, and whatever information we glean from him upon the subject he gives incidentally. There is no telling, therefore, to what extent the above Geonim families were interrelated among themselves⁴, or how those Geonim who now appear isolated, outside of the charmed circle, are really connected with it. For instance, we are not acquainted with Rabbi Zemaḥ ben Paltoi's relation to the Geonim families, but Sherira tells us by the way that he gave his daughter in marriage to Rabbi Judah Gaon, the grandfather of Sherira.

In Sura the Gaonate was in the almost exclusive possession of three families for a period of about two centuries. The Geonim Mari (777), Hilai, Natronai, Hilai, Jacob, and Joseph⁵ (942), belonged to one family; Zadok (823), Ḳimoi, Nahshon, Zemaḥ, and Hai (889), to the second; and the third

¹ In connexion with this, it may be mentioned that the Palestinian Gaonate also was in the hands of a single priestly family.

² Comp. below, pp. 21, 41, where arguments are given in favour of this conjecture.

³ Perhaps Rabbi Kohen-Zedek and his son Rabbi Nehemiah, Geonim of Pumbedita, as well as the grandson of the former, Rabbi Samuel ben Ḥofni, belong to the same family as Rabbi Mebasser, so that the quarrel between the last and Rabbi Kohen-Zedek, both of whom are described as Ḳohanim, was between two branches of the same family. Rabbi Nehemiah (*J. Q. R.*, XIX, 105) seems to allude to his origin from a Geonim family in the words *בגמול כסאסחתי*.

⁴ Rabbi Hezekiah ben Samuel (*J. Q. R.*, XVIII, 402) reports that he was descended from a Sura as well as a Pumbedita Geonim family.

⁵ In Harkavy, *Saadia*, 228, he is called *בן נחמן*.

was the priestly family which furnished the Gaonate with four incumbents, Jacob (801), Abimi, Moses¹, and Kohen-Zedek (845).

Whatever view may be held on the subject of hereditary genius, it cannot be applied to the case in hand. Among the Geonim it must be admitted that it was not always intellectual force, but rather the office, that was transmitted from one member of a family to another. What explanation could otherwise be offered of the circumstance that during the whole extent of the Amoraic period a single instance occurs of father and son, Rab Ashi and Mar, being presidents of an Academy, while the Gaonate was controlled by a few families throughout its whole history? There is no intention of blinking the fact that the claims of sons upon the offices and dignities of fathers have always received somewhat more than due consideration among the Jews since the most ancient times². But this would still leave the frequent succession of the Gaonate from brother to brother unexplained³. For instance, Jacob and Abimi, brothers, were Geonim, and so were Zadok and Kimoi, though the father of neither pair had been in office. It remains, then, to explain the close transmission of the Gaonate only by the assumption that it came to be looked upon as the prescriptive right of certain influential families. The same explanation would cover the phenomenon that the Ab Bet Din, the Resh Kalla, and the secretary of the Academy, so far as we know about them, also belonged to the Geonim families mentioned above⁴.

¹ That Rabbi Moses was a son of the Gaon Rabbi Jacob is obvious from the Genizah fragment published in *G. S.*, p. 214.

² Comp. *Sifra, Aḥare*, 83 b, ed. Weiss, and *Midrash Tannaim*, ed. Hoffmann, 106.

³ An interesting analogue to this succession by brothers is offered by that of the high priests in the Herodian time; comp. Büchler, *Priester und Cultus*, 107 et seq.

⁴ Of the $\gamma^{\prime}\text{ז}^{\prime}\text{נ}$, we know only six by name: Rabbi Joseph ben Mar Rab (Letter of Rabbi Sherira, 38, 12), Rabbi Zemah (comp. *G. S.*, p. 203), Rabbi Tob (*J. Q. R.*, XVIII, 402), Rabbi Hofni, father of Rabbi Samuel

In this respect the Gaonate approached the institutions of the Patriarchate and Exilarchate, which were the preroga-

(*J. Q. R.*, l. c.), Rabbenu Hai, and Rabbi Abraham (*R. É. J.*, LV, 52). All these, with the exception of the last, of whom we know nothing, were members of Geonim families, and three of them became Geonim themselves—in view of which it is hard to understand how Halevy, l. c., 266, can maintain that the אב"ד succeeded to the office of Gaon only in extremely rare instances. The three whom we may be said actually to know, Rabbi Joseph, Rabbi Zemaḥ, and Rabbenu Hai, occupied the Gaonate. Indeed, in two passages, Rabbi Sherira (38, 12 and 15) remarks how extraordinary it was that the אב"ד Rabbi Joseph was disregarded in filling the Gaonate, upon which he had a claim by virtue of being אב"ד.—What the duties and the nature of the office of the אב"ד were, it is difficult to determine now. Its importance is attested by the fact that certain announcements and regulations were provided with the official seal of the Exilarch, the two Geonim, and the two אב"ד, as we know through Rabbi Natronai, *Iḥur*, I, 44 d. Another Geonic Responsum by Rabbi Natronai, or by his colleague of Pumbedita, Rabbi Paltai, ד"ג, 20, also speaks of the ארבעת בתי דינין שבבבל ושיב"ל, "the four courts of justice of the two Academies," that is, the courts of the Geonim and of the אב"ד, and in Harkavy, 187, we find the two courts presided over by Sherira as Gaon, and Hai, his son, as Ab Bet Din, described as שני בתי דינים גורליה של ישראל; while from the Genizah fragment published in *G. S.*, p. 386, we see that only the court presided over by the Gaon was called the בית הדין הגדול. Apparently it was a courtesy extended to Rabbenu Hai personally, to give the appellation to his court in spite of its lower rank. The expression שני דינין גורליה, or its Aramaic equivalent, בבא ומחייבהא, is identical with בית הדין הגדול, as can be seen from Harkavy, 156 and 215, and ד"ג, II, 31. The אב"ד was, as is well known, דינא די בבא ומחייבהא, which stands for דינא די בבא ומחייבהא. The chief judge of the Exilarch was also called דינא די בבא ומחייבהא, in his case shortened from דינא די בבא ומחייבהא, which office, it is needless to say, has nothing in common with the other in spite of the similarity in the names of the two offices.—We are equally at sea as to the position of the ר' כהן. Apparently the ר' כהן of the Geonic time have some sort of correspondence to the triad of directors presiding over the Tannaitic Sanhedrin, נשיא אב"ד הנה, and the נשיא אב"ד ושלמי in the Palestinian Gaonate. But as we have no definite information about the office of the ר' כהן (see the present writer's article upon the subject, "Jewish Encyclopedia," s. v. Ḥakam), this correspondence gives us no clue to that of the ר' כהן. As will be shown below, pp. 47-50, the title ר"ג was conferred upon the heads of the Pumbedita Academy, in the time before they were called Geonim. Besides these, we know the ר"ג Rabbi Samuel, the great-grandfather of Rabbi Sherira, and Rabbi Amram, the maternal uncle of Rabbi Sherira. The משיב אלקי mentioned in Harkavy, 201, the

tive each of a family. Another common point characterising the three institutions is a fiscal system. The Gaon received moneys like the Exilarch, and like the Patriarch in earlier times. In the Judaism of ancient days, and for hundreds of years after the extinction of the Gaonate, no fees were attached to the office of a teacher, especially a teacher of advanced disciples, and still more especially if the teacher's office was connected with the exercise of judicial authority¹. Now, we know from Nathan ha-Babli (82, 5 from below), that the Gaon received a fixed salary for his personal use, and also Rab Amram, in the Introduction to his *Seder*, tells us that one-half, or, according to another reading, one-fourth,

grandfather of Rabbi Sherira (end of his Letter; not the grandfather of Rabbi Hai, as Harkavy, 409, calls him), was not a כּלּא 'ר, but secretary to the Academy, as we are informed explicitly in a Genizah fragment (*J. Q. R.*, XVIII, 402). The same office was filled by the great-grandfather of Rabbi Sherira, Rabbi Judah, before he was appointed Gaon, the Genizah fragment just cited being authority for this statement, too. Again, the grandfather of this Rabbi Judah occupied the same position of secretary to the Academy, as we are told by Rabbi Sherira in his Letter (comp. below, p. 71). What the position of Rabbi Nathan was, the paternal uncle of Rabbi Sherira, it is hard to say. The latter calls him אֵלֶּיךָ, which may stand for כּלּא 'ר (comp. *G. S.*, p. 237), but as his father, Rabbi Judah, was secretary to the Academy, it is probable that the son may have occupied the same office. In a Genizah fragment (*Saadyana*, 60) אֵלֶּיךָ אֲבִי הַיְיָ is mentioned, whom Professor Schechter is disposed to identify with Rabbi Sherira's uncle (great-uncle is probably a printer's error). But this identification is opposed to the fact that Rabbi Sherira calls him אֵלֶּיךָ, and not אֲבִי. Perhaps this Rabbi Nathan is identical with the Egyptian scholar Rabbi Nathan, *Saadyana*, 113. The אֵלֶּיךָ 'ר mentioned in a Responsum by Rabbi Hai, in Harkavy, 137, may be a כּלּא 'ר or an אֲבִי. He is probably identical with אֵלֶּיךָ, the father of the two Geonim, Rabbi Zadok and Rabbi Kimoi, who is the author of a Responsum transmitted to us in אֲשַׁכְּלִי, II, 77, as the present writer has proved in the *Revis. Israel*, V, 11. The reading in אֲשַׁכְּלִי should be יִרְכָּה גֵּאֹן . . . חֲכָמֵי דוּרֵי. This is Rabbi Joseph ben Abba, Gaon of Pumbedita in 814. A son of Rabbi Samuel ben Hofni, Israel (?), likewise was secretary to the Academy (*J. Q. R.*, l. c., 404. where בְּנוֹתֵינוּ means "our young son," as in *Saadyana*, 118). Perhaps Israel is to be read instead of Samuel in Neubauer, *Chronicles*, 198, end. In the fragment in the *J. Q. R.* just cited, as well as in *J. Q. R.*, XIX, 106, the sons of the Geonim appear "as an estate by themselves."

¹ Comp. Maimonides, Commentary on *Abot*, IV, 5.

of all donations sent to the Academy fell to the share of the Gaon¹. Rabbi Nehemiah, in a letter addressed to the communities, begs them to send money for himself and the Academy². Thus we have three witnesses, independent each of the others, testifying to the relatively large revenues of the Geonim. The same Nathan informs us that Babylonia and the adjacent countries were divided [into parishes, a part of them under the jurisdiction of the Exilarchate, a second part of them under the Academy of Sura, and a third part under the Academy of Pumbedita.] In their respective parishes the Exilarchs and the Geonim exercised the right of appointing the judges and other communal officers, and in acknowledgment of their sovereign rights a fixed annual revenue was exacted and delivered into the coffers of each³.

FRICION BETWEEN THE EXILARCHATE AND THE GAONATE OF PUMBEDITA.

These three points—roughly stated, the pre-eminence of the Gaon within the Academy, the quasi-hereditary character of his office, and the equipment of the Academy with power to levy taxes and appoint communal officers—prove abundantly that the Gaonate was by no means a purely scholarly

¹ Comp. Marx, *Untersuchungen zum Seder des Gaon Rab Amram*, I, 11.

² *J. Q. R.*, XIX, 106; לני ונדרם. He speaks of גזרות, free-will offerings, פסיקה, fixed dues (comp. Rabbi Abraham Ibn Daud, 68, 4, bottom, פסיקה, and חומשים, "fifths." What is meant by the last cannot readily be determined. Perhaps the name originated in the fact that the congregations had five kinds of taxes to pay, viz. for the Exilarch, each of the two Geonim, and each of the two Academies. Dr. Poznanski's conjecture (l. c., 401), that a fifth part of the whole income of the members of the congregations was paid to the Academies, is very improbable, if only for the reason that the Rabbinical law does not permit more than a fifth of one's income to be set aside for alms and related purposes. If the members of the congregations had sent one-fifth of their income to the Academies, there would have been nothing left for the home needs. Comp. also *Saadyana*, 118, where מולקני probably means "the portion due us."

³ Concerning landed estates and the revenues of the Academies, see *J. Q. R.*, XIV, 389, an l XVIII, 402.

institution. What has been adduced enables us also to reach a better understanding of the continual friction between the Exilarchate and the Gaonate, and the not infrequent conflicts that arose among the pretenders to the Geonic office. Scholarly zeal, family pride, and material interests are factors of too great potency in the life of individuals not to leave their impress upon the course of history. In the Talmudic time, while the Exilarchate was supreme, without a rival, dissensions might happen to occur now and again between the temporal power and a scholar here and there, but with the Academies as such the Exilarchs had nothing to do. The whole aspect of affairs changed in the period of the Geonim, when the influence of the body of scholars found concrete expression in the Yeshivot, the vested privileges of which constituted them dangerous rivals of the Exilarchs. The only historian of the Geonic time, Rabbi Sherira (36, 13), has this to say regarding the older epoch of his period: "The succession of the Geonim at Sura, up to the year one thousand (689), is not quite clear to us, by reason of the disorders and revolutions caused by the Exilarchs; who depose Geonim and install them again¹."

This statement of Rabbi Sherira's, regarding the relation between the Exilarchs and the Geonim of Sura, is rather startling, for, leaving out of account the quarrel between Rabbi Saadia and the Exilarch David, which sprang from personal opposition rather than a conflict of powers, Rabbi Sherira himself makes no mention of any sort of discord between the Geonim of Sura and the Exilarchate for the three centuries following the date given by him. The appointment of Rabbi Samuel and Rabbi Jehudai, scholars of Pumbedita, to office at the Sura Academy (Letter of Sherira, 36, end, 37, 5), is surely not to be taken as an act of hostility on the part of the Exilarch Solomon ben Ḥisdai against the Academy at Sura. It appears, on the con-

¹ הפוכרות = תהפוכות, "revolutions"; this passage is badly corrupted in some versions of the text, and many an error has been caused by the confused reading.

trary, that the Exilarch was desirous of securing the most prominent scholars of the day for the Sura Gaonate, as Sherira himself observes. The vacancy at Sura in 843-4, caused by dissensions (Letter, 39, 10), cannot be set to the account of the Exilarch; Rabbi Sherira would not have kept us in the dark had it been so. It must have been due to some internal disturbance in the Academy, which, it seems, was divided into two factions, partisans of the family of Rabbi Zadok and partisans of the family of Rabbi Jacob. The end was that Rabbi Moses, the son of Rabbi Jacob, gained the upper hand, while the son of Rabbi Zadok, a younger man than Rabbi Moses, assumed the Gaonate fifty years later.

On the other hand, Rabbi Sherira records a number of conflicts between the Exilarchs and the Geonim of Pumbedita. About Rabbi Natronai I (719), Sherira says (35, 6, below), that, encouraged by his kinship with the family of the Exilarch¹, he ruled the Academy so vigorously that the scholars of Pumbedita took refuge in Sura, and did not return to Pumbedita until after his death. A generation later (about 755) we hear again that the Exilarch, actuated by personal animosity², passed by the claims of Rabbi Aḥa, later famous on account of his work *She'eltot*, and instead installed his secretary³, Rabbi Natroi Kahana, as Gaon of Pumbedita.

A serious conflict broke out in 771 between the Exilarch and the Gaon of Pumbedita, Rabbi Malka. Rabbi Sherira (36, 4) writes: והוא—רב מלכא—אחתיה לנטרונאי בר הביבאי נשיא בפלוגתא על זכאי בר מר רב אחונאי נשיא דהוה קמי הכי כמה שנין ואיכנפן תרתין מתיבאתא עם זכאי נשיא ועברוהי ואפטר רב מלכא לנן ערן ונטרונאי נשיא אול למערב. In view of the historical

¹ The exact relationship is not given by Rabbi Sherira. He probably was a son-in-law of the Exilarch.

² Ibn Daud, 63, 14: מפני שנאה ראש גולה. Rabbi Sherira must have meant the same, though he does not express it in so many words.

³ שמייה, comp. 'Erubin, 11 b, and Yebamot, 42 a, where Amoraim are called שמיא, which naturally cannot mean house servants, &c.

importance of this passage—it is the only instance transmitted to posterity of the Geonim interfering in a contest about the Exilarchate—it is worth while discussing it thoroughly, all the more as it has been completely misunderstood heretofore.

Graetz renders Rabbi Sherira's account in the following words (*Geschichte*, V³, p. 386): “[Rabbi Malka] had deposed Natronai ben Ḥabibai, when he [Natronai] was about to usurp the dignity from Zakkai ben Aḥunai, who had been in possession of the office of Exilarch for some years past. The two Academies united in supporting Zakkai; they deposed Natronai, and he had to flee to Maghreb.” Weiss, in his *Dor Dor we-Doreshaw*, IV, 29, goes a step farther. He gives the following description of the incident: “In the time of Rabbi Malka a dispute occurred between him and the Exilarch Natronai ben Zabinai¹, by reason of the fact that the Gaon had determined to make Zakkai ben Aḥunai Exilarch. In this purpose he was aided and abetted by the Gaon of Sura. With united forces they worked to remove Natronai from his office, and put Zakkai ben Aḥunai in his place, and they succeeded. Natronai was forced out, and, grieved by the dishonour done him, he left Babylonia, and settled in Palestine². The cause of

¹ Weiss accepts the incorrect reading רבנאי, while Graetz properly has הרבאי. Albargeloni, ס' העדים, 256, writes the name הרבאי, as Rabbi Isaac of Vienna does in א"ו, I, 114 d, though the source followed by the last, פירס, 28 a, reads רבנאי.

² Graetz again displays his insight here, when he translates מצר with Maghreb, that is, Spain and North Africa, for Albargeloni, i. e., and the correspondents of Rabbi Hai (מצר וקיסם), 56, where צרש is a printer's error for צרר, the Parma MS. and Albargeloni, ע' ס' יצירה, 108, having the correct word (צרר) have the tradition that Rabbi Natronai went to the Maghreb. My colleague Dr. Friedlaender tells me that the Arabic writer Ibn Ḥazm, a contemporary and acquaintance of Rabbi Samuel ha-Nagid, makes sport in his *Milal wa'n-Nihal*, I, 156, and V, 4, of the Jews who say that one of their sages went from Bagdad to Cordova in a day, and horned an enemy of their people there. There can be no doubt that this sage was Rabbi Natronai, of whom Albargeloni and Rabbi Hai alike report that he went to Spain by means of הרך. It is true

the conflict was, as we can see from the Letter of Rabbi Sherira, that Natronai was a scholar, and the Geonim did not care to have a learned Exilarch in office."

In the first place, Rabbi Sherira makes the explicit statement that Zakkai had been Exilarch many years before Natronai. Then, even if it were true that the Geonim opposed Natronai, which I hope to show was not the case, they were not conspiring against the Exilarch in office. On the contrary, they were giving him their support in his struggle with an usurper of his dignity. Graetz, who speaks in the body of his book (p. 174) somewhat vaguely of the conflict between Natronai and Zakkai as a "quarrel about the Exilarchate between two pretenders," is more precise in his note on the passage, in which he properly denominates Natronai a usurper. Halevy, in a long tirade against "the German scholars" (231-2), accuses Graetz of having perverted facts only to cast a slur upon the Geonim, yet he himself agrees with Graetz in his statement of the affair between the Gaon and the Exilarch. The truth is that Graetz, and Halevy as well, misunderstood the case

that Rabbi Hai does not give credence to the story told him about Rabbi Natronai, but his incredulity extends only to the miraculous manner of his removal from place to place, not to the fact of his emigration to Spain. Albargeloni furthermore relates that Rabbi Natronai wrote the Talmud down, from memory, for the use of the Spanish Jews. The statement of the great-grandson of Rabbi Paltai, *J. Q. R.*, XVIII, 401, that Rabbi Paltai sent the Spanish congregations copies of the Talmud and Talmudic explanations, in no wise contradicts Albargeloni. Even if it is true that Rabbi Natronai wrote the whole Talmud down for the Spaniards, it would not be at all remarkable to find that copies of the Talmud were rare in Spain a century later. One hundred and fifty years after Rabbi Paltai, Rabbi Samuel ha-Nagid (Ibn Daud, 72, 2, bottom) had copies of the Talmud made and distributed. On the subject of the circulation of copies of the Talmud in the time of Rabbi Paltai, see *G. S.*, p. 295. The Responsum discussed there (p. 294) was probably given by Rabbi Natronai, the contemporary of Rabbi Paltai. Brüll, *Jahrbücher*, IX, 117, attributes the opposition of the Geonim to Rabbi Natronai to the fact of his putting the Talmud into writing. They insisted upon oral transmission. But how could they have divined what he would do after leaving Babylonia?

completely. With historic insight Graetz (l. c.) recognised the difficulty in Sherira's words: ועברוהי ואפטר רב מלכא לנן: עדן ונטרוניא נשיא אזל למערב. Connecting the death of Rabbi Malka with the departure of Rabbi Natronai for the מערב is altogether inexplicable, and the solution of the difficulty offered by Graetz not at all satisfying. But this is far from being the only knotty point in the passage in which Sherira mentions the occurrence. He begins his description with the words, "And Rabbi Malka deposed Natronai," and continues with the statement that the two Academies, in joint session, attended also by the Exilarch Zakkai, deposed the opponent of the latter, the same Natronai. But if both Academies made common cause against Natronai, then why should Rabbi Malka be singled out as the one to depose Natronai? It is clear that Sherira speaks of the activity of Rabbi Malka in the first sentence, and in the second sentence of the activity of the two Academies, which makes good sense only if Rabbi Malka acted in opposition to the two Academies. And that is exactly what Sherira reports. על . . . אחתיה ל does not mean "to depose," but, on the contrary, to install one in office in opposition to another. Sherira himself corroborates this linguistic usage on the next page (38, 11): ובתריה מלך מר רב יצחק . . . ואחתיה על מר: —"and after him Rabbi Isaac officiated as Gaon, whom they [the Academy and the Exilarch] installed in opposition to Rabbi Joseph." Sherira goes on to explain that Rabbi Joseph, by reason of his position, learning, and descent, had a claim upon the Gaonate, but that the Exilarch had ordained Rabbi Isaac as Gaon "over him." In the light of these facts the passage regarding Rabbi Malka in Sherira's Letter reads as follows: "And he [Rabbi Malka] installed Natronai ben Ḥabibai as Exilarch in opposition to the Exilarch Zakkai ben Aḥunai, who had been vested with the office for some years. The two Academies, on the other hand, assembled in joint session, Zakkai also being present, deposed him. Accordingly, when

Rabbi Malka departed this life, the Exilarch Natronai emigrated to the West.”

This case anticipates the later one of Rabbi Saadia, when he made Hassan Exilarch in opposition to David, who had been holding the office for many a long year. And as, at the time of Saadia, the two Academies, yielding to the pressure brought to bear by the Exilarch David, divested Saadia and Hassan of their dignities, so also it happened at the time of Rabbi Malka, for ועברוהי, as the correct texts read, refers to Rabbi Malka: “They [the Academies] together with the Exilarch deposed him [Rabbi Malka].” Later copyists, who went astray in the same way as the modern historians, added לנטרונאי after ועברוהי¹. Naturally, it cannot be supposed that Rabbi Malka acted single-handed in his opposition to the reigning Exilarch and the Academies. He must surely have had his followers, like Rabbi Saadia during his suspension from office, and it is not at all unlikely that he would have come out victor in the end, as Rabbi Saadia succeeded in his struggle, had he not fallen during the fray. And his death was the reason that made Rabbi Natronai go to the West. He had to give up the contest after his main support, Rabbi Malka, had passed away.

The accusation against the Geonim, that they incited quarrels with the Exilarchate when the incumbent was a scholar, is wholly unfounded. If history were written according to such methods, the inquirer would reach the opposite result, that the partisanship of the Geonim for one close to them in intellectual interests led them to

¹ But even if לנטרונאי ועברוהי were proved to be the correct reading, the other assertion, that Rabbi Malka was not the opponent, but rather the friend, of Rabbi Natronai, remains unassailed. It is, however, inconceivable that Rabbi Sherira should have used the expression ועברוהי of an usurper, seeing that with him, as for instance 36, 9, it has the meaning of removing one from an office legitimately held. And it would be an absurdity to say that “the Exilarch removed the counter-Exilarch from office,” as though a pretender would acknowledge the legitimacy of his opponent.

prefer a learned to an unlearned Exilarch. Now we know that the quarrel about the Exilarchate at the time of Zakkai ben Aḥunai grew out of far other motives. From the Genizah fragment given in *Saadyana*, 76, it appears that Zakkai was a descendant of Bostanai and a Persian princess, a marriage the legitimacy of which was questioned by many. For this reason, Rabbi Malka was prepared to support Natronai, whose descent was unblemished. From the Genizah fragment we learn also that the descendants of the princess tried to force the recognition of their legitimacy by resort to the power of the non-Jewish government. Accordingly Rabbi Malka was justified in his opposition to Zakkai.

Scarcely ten years pass (782), and again we hear of the Exilarch's deposing the Gaon of Pumbedita, Rabbi Ḥaninai ben Abraham. Rabbi Sherira, who usually drops a hint at least as to the cause of such disputes, has not a word to say about this occurrence. It is fair to take this as corroborating the supposition made above (p. 10), that Rabbi Abraham Gaon, the father of this Rabbi Ḥaninai, was a brother of Rabbi Natronai, and, as he belonged to the Sura Academy, as will appear later, and received the Gaonate of Pumbedita against the wish of the Academicians there, the assumption is not unwarranted that the deposing of Rabbi Ḥaninai was due to the wishes of the Academy, which was not inclined to accept an outsider. As to Rabbi Sherira, he had good reason for not desiring to enter into a detailed discussion of the case; it hardly redounded to the credit of his own Academy.

In the year 828 we hear once more of interference with the affairs of the Academy at Pumbedita on the part of the Exilarch. The two pretenders to the Exilarchate, Daniel and David, each had "his" Gaon at Pumbedita, with the result that even when David maintained the upper hand, Pumbedita was supplied with two Geonim, Rabbi Abraham and Rabbi Joseph.

It is not possible to define the part played by the

Exilarchs in the disputes at Pumbedita between the Geonim Rabbi Isaac and Rabbi Joseph ben Rabbi in 833, and between Rabbi Menahem and Rabbi Mattathias in 859. About Rabbi Isaac, Sherira says (38, 14) that the Exilarch David ben Judah had installed him, but that does not guarantee Isaac's having been his candidate as opposed to Rabbi Joseph, because the expression used by Sherira is *וואחתייהו*, "and they appointed him [Rabbi Isaac] as Gaon." "They" probably means the members of the Academy¹.

Finally, a feud of many years' duration broke out between the Academy of Pumbedita and the Exilarchs, under the last of them, David, who appointed Rabbi Kohen-Zedek to be the Gaon, while the Academy invested its own candidate, Rabbi Mebasser, with the dignity.

THE LANGUAGE OF NATHAN HA-BABLI'S REPORT.

To the student who regards history as more than a mere stringing together of disconnected events, the friction between the Exilarchs and the Geonim of Pumbedita presents an interesting problem in various respects. Many a question evoked by the combative relation between Gaonate and Exilarchate clamours for a reply. In the first place, why was it that the Academy at Sura was not troubled by the interference of the Exilarchs in the course of a period during which the Academy at Pumbedita felt their heavy hand half a dozen times? What was the reason that the Exilarch, who lorded it over the Academy at Sura until the end of the seventh century, assumed so peaceable an attitude toward it during the three centuries that followed? And, in the third place, what explanation can be adduced for the fact that all the wrangles between

¹ Halevy, who regards the Exilarchs as universal scapegoats, holds (p. 271), without advancing any proofs, that it was again the Exilarch who appointed Rabbi Isaac as Gaon in opposition to the wish of the Academy. The words *וור כמניה* prove nothing, because the official ordination was always performed by the Exilarch.

the Exilarchs and the Geonim of Pumbedita occurred in a single century, from 719-828?¹

These questions can be answered only when we have attained to intimate knowledge of the rise of the Gaonate and its relation to the Exilarchate on one side and the two Academies on the other, and knowledge of this sort is accessible to us only through closer acquaintance with the sole and only account of the Academies that has come down to us.

Rabbi Samuel Shulam, in his additions to Rabbi Abraham Zacuto's *Yohasin*, gives an account of the Babylonian Academies and of the Exilarchs Ukba and David, after one Rabbi Nathan the Babylonian. An Arabic fragment of the report concerning Ukba was published by Dr. Israel Friedlaender in the *J. Q. R.*, XVII, 747-61. The great historical value of this document makes the language in which it was written originally a matter of prime importance, and it behoves us to give our attention to this question first of all. Dr. Friedlaender, in his learned and instructive introduction to the narrative, is decidedly of opinion that it was written in Arabic originally, but I venture to believe that the proofs adduced by him are not conclusive.

The expression *נרע בניסים א . . . ארם* is admittedly an Arabism, but it had become so fluent a locution with the Arabic-speaking Jews that it cropped up in their Hebrew and Aramaic writings as well. Its use by Nathan, therefore, proves nothing. In Rabbi Sherira's Letter it occurs three times (35, 6, below; 40, 1; and 40, 5), yet no one is inclined to doubt that the Letter has been transmitted to us in its original language². Dr. Friedlaender further

¹ The controversy between Rabbi Mebasser and Rabbi Kohen-Zedek is of quite another character, as will be demonstrated in detail further on.

² The expression . . . נרע בניסים occurs frequently in original Hebrew works; comp., for instance, *השפנה*, I, 61; *נתי ירושלים*, III, 15b; *J. Q. R.*, XIX, 106, 730, 734. The phrase, derived from the Arabic, was the model for *נרע*, "known under the name"; comp. Harkavy, *הרשנים גז ישיבה*, II, 10. In the inscription on the Cattai synagogue in Old Cairo, reproduced

claims the phrase *ויכתבו לו על ראשם* (79, 19) as a translation of the Arabic *ויעקרו ריאסתה*. The expression, occurring three times in close succession, has a Hebrew equivalent in each of the three contexts: *וינהיגו אותו ראש*—*וינהיגו אותו ראש*—*ותנהיגו על עצמך*. If the use of *ראשם . . . ויכתבו* proves anything, it would rather indicate that the one who translated the document from Hebrew into Arabic did not understand it, and left the original untranslated. What Nathan says in this passage is that the Gaon of Sura sent word in writing to his followers, either to offer their congratulations personally to David ben Zakkai, on his assumption of office (*שיברכהו*), or, if there were any¹ who for some valid reason could not appear before him, to express their gratification at his success in a letter to the Exilarch—*ויכתבו לו על נפשם*. In one way or another they all were to manifest their assent to his choice as Exilarch—*וינהיגו אותו ראש*. In the description that follows, of the public presentation of the Exilarch, Nathan properly omits all reference to the written homage ordered by the Gaon. Nathan is equally precise in his account of the homage paid the Exilarch by Kohen-Zedek. The two dignitaries met face to face, hence the expression used by Nathan, *ותנהיגו על עצמך*, where *עצם* is a synonym for the *נפש* used before. For the rest, the phrase employed by Nathan to express the public recognition of the Exilarch as such, *הנהיג ראש גלות*, throws new light upon an expression occurring in the Talmud several times—*אדבר רב חסדיא לרבנא עוקבא ודרש*—which has caused the lexicographers no little difficulty². The Aramaic *אדבר*

by E. N. Adler, "Jews in Many Lands," 30, *הידוע* does not mean "the famous," but "named." Comp. also Harkavy, *Saadia*, 114, . . . *הידוע בן*, and 227, note 6, and Steinschneider, *Jubelschrift*, 139, line 8 from bottom, and Harkavy, 186, where *הידוע ב* = *נכר*.

¹ On the Tannain mentioned in this passage, comp. Marx, *J. Q. R.*, XVIII, 771, to which should be added that Rabbi Hai in the Responsum appearing as an appendix to Rabbi Sherira's Letter, ed. Mayence, speaks of . . . *הנבאים* (65); comp. also *יחזקין*, 130, ed. Neubauer.

² On the locution *אדברו רב חסדיא*, in the *Seder 'Olam Zutfa*, see Lazarus, *Die Häupter der Vertriebenen*, 100-1, and Brill, *Centralanzeiger*, 67.

corresponds exactly to the Hebrew הנהיג of Nathan. Accordingly, the translation would run: "Rabbi Hisda proclaimed Rabban Ukba as Exilarch, on which occasion the new Exilarch spoke as follows." The Arabic ייעקרו ריאסתה would be rather colourless, while the Hebrew הנהיג is the very term one would expect to find here.

The expression על עמד is not an Arabism; it is found in the Talmudim and the older Midrashim with considerable frequency. I shall adduce only a few of the passages. בין השמשות כהרף עין ולא יכלו לעמוד עליו הכמים. "Twilight lasts but an instant, so that the scholars could not determine its duration" (*Yer. Berakot*, 1, 2 b, 35, and parallel passages; *Babli*, *ibid.*, 2 b, end). שביקש לעמוד על מנין של ישראל, "He wanted to determine the number of Israelites," which corresponds exactly to the expression used by Nathan (*Yer. Ta'anuyot*, II, 56 d, 44). The Talmudic equivalent for *errando discimur* is אין אדם עומד על דברי תורה אלא אם כן נכשל בהם, "Man cannot fathom the words of the Torah until he has made mistakes" (*Gittin*, 43 a). Regarding the motion of the celestial spheres, Rabbi Simon ben Yoḥai says: הדבר קשה מאד ואי אפשר לבריות: לעמוד עליו, "It is so difficult a problem that man cannot fathom it" (*Genesis R.*, VI, 8, and parallel passages).

These quotations will probably suffice to show that על עמד is an Arabism neither with Nathan nor with Rabbi Saadia, who employs it twice (*Harkavy, Saadia*, 152, 20, and 170, 20).

עמד על ראש in the sense used here is no better Arabic than Hebrew. עמד עליו is classical Hebrew (*Judges* iii. 19, *2 Kings* xxii. 19), and the connexion with ראש can be authenticated as little in Arabic as in Hebrew. Never-

¹ In the Responsa of the Geonim this is not a rare expression; comp., for instance, ה"ז, 143 (which is falsely ascribed to Rabbi Joseph ben Abitur, while it actually is from the hand of a Gaon of Sura, as appears from the reference to "my teacher Rabbi Zadok"; the superscription in MS. Luzzatto, מ"ר משה נאון, has probably preserved the truth for us), and *G. S.*, p. 284; also Rashi, *Pesahim*, 46 a.

theless, the expression is well chosen. It is a vivid description of Kohen-Zedek sitting absorbed in study, his head bent over his book, and suddenly raising it to see Nissi standing before him, as it were, "over his head." Moreover, the expression *עמד על ראשו* is found in an original Hebrew letter from the last Exilarch Hezekiah (*R. É. J.*, LV, 50), though it must be admitted that the meaning there is not clear.

That the employment of the Biblical expression *ארץ מולדתו*, "native land," in the sense of "native place," is a result of Arabic influence, will hardly recommend itself to acceptance. In such early passages as 2 Sam. v. 6 and 1 Chron. xi. 4, *ארץ* is used in the meaning of city, in these cases Jerusalem. Similarly in the Mishnah and in post-Talmudic Hebrew *מדינה* means both city and province.

Other variations between the Arabic fragment and the version of the *Yohasin* are as inadequate to establish the priority of the former as we have found the linguistic peculiarities of the Arabic. As to the difference between the Arabic and Hebrew texts, relative to the length of Kohen-Zedek's Gaonate (78, 7), it will be shown below, p. 66, that neither is correct. Even if we accept the Arabic reading, the *ט'* of the Hebrew text may still be explained as a copyist's misreading of the Hebrew *ארבע* as *ארבעים*.

In the next line, the Hebrew has only *היי נוטלין רשות*, while the Arabic reads *יִכְרַם אֱלִיהָ דִּיין*, "whence the Dayyanim used to be sent thither." Dr. Friedlaender notes that it is "missing in Hebrew." The fact is that the expression used in the Hebrew is the one current in the Talmud (*Sanhedrin*, 5a) to indicate the conferring of judicial authorisation¹. The Arabic is a somewhat prolix circumlocution of a Hebrew and Aramaic *terminus technicus*. The same seems to apply to the next line, where the Hebrew has *והתנו נטירה*, "and his son-in-law Natira," while the Arabic reads, *וַכְתָּנָה זֶנֶּב אֲבִנְתָּה נְטִירָה*, "his son-in-law

¹ Comp. also the Genizah fragment, *J. Q. R.*, XVIII, 402, where *רשות* is used in this sense.

Natira, the husband of his daughter." The only explanation that can be offered for the superfluous description of a son-in-law as the husband of one's daughter, is that the Arabic first gave a literal translation of the Hebrew יתתני, which is the Arabic ונתנה, but as this Arabic word may mean not only son-in-law (the Hebrew יתתני), but also father-in-law (the Hebrew והותני), the translator added, in the interest of intelligibility, "the husband of his daughter."

The fact that in the Hebrew, 78, 3, below, and in other passages (79, 20, 25), בבל is used in the sense of Bagdad, makes it impossible to assume that "the editor" was ignorant of this use of בבל. The correct reading of the Hebrew is בבל המלך, and the sentence ער שיצא המלך בבל is to be translated "until the king [=Sultan] left Bagdad," exactly as the Arabic has it. Taking into consideration the Biblical style of the Hebrew, it is not surprising to have יצא construed with the accusative instead of with מן. The notion conveyed by the Arabic, that the Exilarch was merely expelled from Bagdad, is certainly erroneous. In this case, it would be inexplicable why he should have felt compelled to journey to Africa. The Hebrew version offers a natural solution. After the Exilarch had been banished from the whole of Babylonia, he tried to settle in the East, that is, in the Persian provinces. But those regions stood under the jurisdiction of the Exilarch, as Nathan himself observes (86, 19), and he had no choice except to go to the West¹. The misunderstanding, it appears, cannot be charged against the Hebrew, nor against "the editor." It lies with the Arabic, which attached an incorrect meaning to בבל in the expression שלא יבנס בבל in the expression שלא יבנס בבל (79, 13)—a rather excusable error, as Nathan uses בבל throughout for Bagdad.

According to Dr. Friedlaender, the Hebrew is guilty of

¹ The observation made by Professor Nöldeke and reported by Dr. Friedlaender, l. c., 759, note 7, is unintelligible to me. That Ukba migrated to Africa and not Palestine is reported very clearly at the beginning of Rabbi Nathan's narrative.

a gross mistake in ascribing thaumaturgical activity to the blind Nissi¹, of which, he says, the document which he holds to be the original knew nothing. On the other hand, Dr. Friedlaender himself concedes that he is unable to establish how the alleged Arabic original actually did read, to produce the error, and in these circumstances, it seems to me, the question must be left open, all the more as so eminent an Arabist as Dr. Nöldeke, whose view is quoted in Dr. Friedlaender's article, maintains that the Arabic fragment credits Nissi with wonder-working powers. It may be said, parenthetically, that the miraculous opening of locked doors is mentioned elsewhere in Jewish legend. Mordecai, a Midrash relates (Buber, 'ס דאגרתא, 65), surprised Bigthan and Teresh at night, unobserved by the guards, and hindered by none, as it is written: "I will go before thee and make the crooked places straight. I will break in pieces the gates of brass and cut in sunder the bars of iron" (Isa. xlv. 2).

I hold, then, that not only is there no support for the theory that Nathan's account was written originally in Arabic, but a comparison between the Arabic fragment and the Hebrew version in *Yohasin*, reveals some features tending to establish the priority of the Hebrew. Nevertheless, I consider that the question as to the language in which Nathan wrote, is still open. There is one sentence which betrays an unmistakable Arabism: מן המשי ומן התבלת: מן המשי ומן התבלת (83, 16). So far as I know, this use of מן occurs only in works translated into Hebrew, not in Hebrew originals, and it gives considerable weight to Dr. Friedlaender's opinion as to the original character of the Arabic text. In any event, the Arabic contains some

¹ Nissi, the son of the Exilarch and brother-in-law of the Gaon Sar Shalom, is mentioned by Rabbi Hai in his Responsum appended to the Letter of Rabbi Sherira, ed. Mayence, 63. פירוס, in גיטת ברית רוב שמיאל, 38 c, is derived from the *Seder Rab Amram*, as can be seen from Marx, *Untersuchungen*, &c., 8, Hebrew part, but מה' ישרי (32) reads גיט instead of גיט. I have only to add that the Genizah fragments of the *Yerushalmi* read גיט in all passages in which our texts have גיט or גיט.

readings that are preferable to the Hebrew in corresponding passages, and they are of great value in the study of Nathan's account.

NATHAN HA-BABLI IDENTIFIED.

Another important question must be settled, and a more difficult one. Who was this Nathan, the Babylonian, the author of the report we are considering? Graetz's hypothesis (*Geschichte*, V³, 471-2), that he was one of "the four captives," and the founder of Jewish learning in Provence is, it need hardly be said, wholly untenable. From the Genizah fragments, we know first of all that Rabbi Shemiah ben Elhanan, one of the four captives, was a pupil of Rabbi Sherira (*J. Q. R.*, VI, 222). But Nathan, as Graetz himself observes, wrote his account during the Gaonate of Rabbi Aaron, and knows nothing of Sherira. Moreover, Rabbi Hushiel's Letter, published by Professor Schechter (*J. Q. R.*, XI, 643-50), stamps the whole story of the four captives as a legend, at least in the form in which it has been transmitted to us by Rabbi Abraham Ibn Daud. There may be an historical kernel in it, but not more. Furthermore, the hypothesis advanced by Graetz rests on a false construction put upon a sentence in Zacuto's *Yohasin* (ed. London, 174), where a sentence is quoted from a "Rabbi Nathan, the Babylonian, in Narbonne." The practice of applying the name Babylon to Rome is not limited to the New Testament (Rev. xiv. 8; xvi. 19; xvii. 5). It is current in the Midrash as well (*Cant. R.*, I, 6), and there can be no doubt that Zacuto is referring in the passage under consideration to Rabbi Nathan of Rome, the author of the 'Aruk, who studied in Narbonne under Rabbi Moses ha-Darshan. To clinch the identification, the very sentence cited by Zacuto in the name of Rabbi Nathan, the Babylonian, is to be found in the 'Aruk of the Roman Rabbi Nathan¹.

¹ On the sojourn of Rabbi Nathan, the author of the נתיב, in Narbonne, comp. Gross, *Gallia Judaica*, 409-10, and Geiger, *Heb. Bibl.*, III, 4. The

These conjectures, which to me seem obvious, are supported by a Responsum by Rabbi Meïr of Rothenburg¹. בתשובות הגאונים שלי כתוב בתשובת ה"ר נתן מאפריקא ז"ל על ער עבשו נהגו בה היתר אבל משהתחילו להביאה מחמת ומנוש חלב ומזיפין אותה אתה—אנו מנדין כל מי שאכל אותה of the Geonim, I found the following by Rabbi Nathan of Africa: Until now it was customary to permit the eating [of butter made by non-Jews], but since they have begun to bring it from Hamath and Giscala, where it is adulterated [with fat], we excommunicate all who use it."

First of all, we are here introduced to an African scholar of the Geonic time by the name of Nathan. One is tempted to identify him with the Rabbi Nathan ben Rabbi Hananiah, a Responsum by whom is abstracted (א"י, I, 176 b) by Rabbi Isaac ben Moses of Vienna, the teacher of Rabbi Meïr of Rothenburg, from the "African" collection ס' המקצועות, probably the same Geonic collection referred to by Rabbi Meïr himself in his שיערי השבות, 193. Müller in his *Mafteah* (157) assigns this Responsum to Rabbi Nathan Alluf, the uncle of Rabbi Sherira, an identification that cannot hold water, for several reasons. With the exception of Rabbi Hai, who replied to a number of questions addressed to his father, by reason of the advanced age of the latter, there is not, in the whole extent of Geonic Responsa literature, a single Responsum by an Alluf². Besides, Rabbi Isaac of Vienna calls the author Rabbi Nathan ben Hananiah, and the uncle of Sherira was Rabbi Nathan ben Judah. Müller's emended reading, אחי חנניה, instead of בריה דר' ח', cannot be endorsed. What reason can there be for designating the

¹ Quoted by Rabbi Aaron of Lunel in his ארה' חיים, II, 333. Rabbi Nathan, whose views on liturgical questions are cited very frequently by Rabbi Aaron in the first part of his work, was, as appears from ארה' ח', I, 43 b and 106 a (bottom), a grandson of Rabbi Azriel, doubtless Rabbi Azriel ben Nathan, the great-grandson bearing the name of the great-grandfather. Gross, *Gallia Judaica*, contains Rabbi Azriel, but not his grandson, Rabbi Nathan.

² For details comp. above, p. 7, n. 1.

son and brother of a Gaon as the brother of his brother, instead of in the universal way as the son of his father?

We have, besides, positive and explicit evidence regarding an African authority by the name of Rabbi Nathan ben Hananiah. Such an one was a correspondent of Rabbi Natronai Gaon, as we learn from Rabbi Samuel Ibn Ġama¹, and also of the Gaon's younger contemporary, Rabbi Zemaḥ ben Solomon, the chief judge of the Exilarch². In a question addressed from Kairwan (ק"ש, 84 a, 3) to Rabbi Zemaḥ [ben Paltai?], Rabbi Nathan and Rabbi Judah are characterised as "the scholars of Kairwan³." In another Responsum in the same collection, 18 b, 12, the sons of Rabbi Nathan are referred to in a letter to Rabbi Saadia. Moreover, it is highly probable that the Rabbi Nathan whose opinions are cited in three passages in the *Seder Rab Amram* is this African Rabbi Nathan, and not the uncle of Rabbi Sherira⁴.

Nevertheless, I hesitate greatly to identify the Rabbi Nathan quoted by Rabbi Meïr of Rothenburg with the Kairwan scholar Rabbi Nathan ben Hananiah, and for the following reasons: The passage about the butter made in Hamath and Giscala by no manner of means bears the interpretation that butter was exported from Palestine to Northern Africa in the ninth century. The remark by Rabbi Nathan becomes intelligible only when it is

¹ In Graetz, *Jubelschrift*, 17.

² Dukes, from an Oxford MS., in *Ben Chananjah*, IV, 142.

³ This passage was referred to by Zunz, *Ritus*, 191, and he properly identified this Rabbi Judah with Rabbi Judah ben Saul, the contemporary of Rabbi Nathan. The same Rabbi Judah is described in א"י, II, 171 b, together with Rabbi Nathan ben Hananiah, as a correspondent of Rabbi Natronai. He is there called ר' יהודה ב' ר' שאול, which is better, it seems, than ר' יהודה ב' ר' יהודה ב' ר' שאול, in Luzzatto's ביה האוצר's 109. In Rabbi Meïr of Rothenburg's ש"ה, 193, he is also called Rabbi Judah ben Saul. Is ר"ש to be read for the corrupt פירש in *Pardes*, 21 b?

⁴ Comp. below, pp. 149-50. In this Responsum הלמידים does not mean young students, but, according to the general usage of Arabic-speaking Jews, prominent scholars. Comp. Harkavy, *Saadia*, 43, note 5, and א"ג, 3 a, end.

brought into connexion with the fact that in Babylonia butter made by non-Jews was considered as belonging to the forbidden varieties of food, though it was permitted in Palestine. Hence Rabbi Nathan reports that even in Palestine the use of such butter was prohibited, since it appeared that it was adulterated in Hamath and Giscala, being mixed there with forbidden ingredients. Whence this specific acquaintance with Palestinian conditions on the part of Rabbi Nathan of Kairwan? If we were to assume, what is not very likely¹, that the Kairwan scholars of the ninth century were in close relations with those of Palestine, it would still have to be explained what occasion there was for the Palestinian scholars to communicate with the Kairwan scholars regarding the custom prevailing in their country.

Thus the probabilities multiply for identifying Rabbi Nathan of Africa with the Babylonian Rabbi Nathan, the author of the account of the Academies. This Babylonian, who must have reached Africa by way of Palestine, had to satisfy the curiosity of his African fellow-Jews and a real desire for knowledge as well. The scholar from foreign parts on the one hand told them about the Exilarchs and the Geonim, and on the other doubtful ritual cases were referred to him, such as that in the Responsum quoted above, in which Rabbi Nathan, inclined as a Babylonian to agree with a prohibition forbidding the use of butter prepared by non-Jews, strengthens his natural inclination by reference to the fact that even the Palestinians, accustomed from of old to a more lenient practice, refrained from eating it in changed circumstances².

¹ Rabbi Meïr of Rothenburg in his ש"ה, 193, writes: השוב' שדונוא' : ממדינת אפריקא . . . ששאלו מנאמי גבל Responsa Collection contained decisions only by Babylonian, not by Palestinian authorities.

² On the use of such butter, comp. the Geonic Responsa in ש"ה, 19-21, and *G. S.*, p. 153, according to which the prohibition against it had not always been recognised even in Babylonia. Comp. also Müller, הלוי' מהנהגים, 16.

The assumption that Rabbi Nathan was an oral reporter on Babylonian conditions, rather than an author who recorded his reminiscences in writing, would reconcile the differences between the Hebrew and the Arabic version of his narrative. The question as to the original language would then be set aside in favour of the supposition that the two versions are independent of each other. In the Kairwan audience that listened to Rabbi Nathan, some used Hebrew and some Arabic in their literary compositions, and thus his narrative reached us through the medium of two languages.

NATHAN HA-BABLI THE SOURCE FOR THE TWO REPORTS ABOUT THE BABYLONIAN ACADEMIES.

The above will throw light for us upon the relation that exists between Rabbi Nathan's narrative proper and the piece about the Babylonian Academies preceding it. Graetz, whose view is espoused by Weiss and other scholars, considers Rabbi Nathan the author of the description of the Babylonian Academies at the head of the narrative, in the same sense in which he is the author of the narrative to which his name is explicitly attached. Halevy, on the other hand, identifies the piece about the Academies with a report quoted by Zacuto from Rabbi Samuel ha-Nagid's Introduction to the Talmud. Graetz's historical tact stood him in good stead here as so often, while Halevy cannot see the wood for the trees. There can be no doubt, as Halevy properly remarks, that the two are merely versions of one and the same account; and also there can be no doubt that Samuel ha-Nagid's document goes back to Rabbi Nathan. It is certain that the description of the Babylonian Academies preceding Rabbi Nathan's account cannot have been taken as it stands from Rabbi Samuel's Introduction, which, Halevy maintains, seeing that it contains two important points missing in Rabbi Samuel's—the description of the

“reception Sabbath” of the Exilarch, and the dispute between the Academies regarding the division of the revenues, at the time of Kohen-Zedek¹. Halevy (*Dorot ha-Rishonim*, III, 263) passes the first point over in silence, and with regard to the second he maintains that it dropped out of Rabbi Samuel ha-Nagid’s narrative in *Yohasin* through an oversight of the copyist. But whence could Rabbi Samuel Shulam, the editor of Zacuto’s *Yohasin*, have supplied the passage which was missing in his model?² We see thus that not only is the account transmitted by Shulam independent of Rabbi Samuel ha-Nagid’s, but a comparison of the linguistic peculiarities of the description of the Academies with those of the narrative proper by Rabbi Nathan proves beyond the peradventure of a doubt that they have the same origin. For instance, in both accounts ארץ is used in the meaning of city (78, 5; 79, 21). The statement about the rights of the Geonim of Sura during an interregnum in the Exilarchate is the same verbatim in Nathan’s narrative proper (86, 11, below), and in the description of the Academies preceding it (78, 15),

¹ The following point forms an essential difference between the two narratives. According to Rabbi Samuel ha-Nagid it was a question of “parishes,” רשויה, those under Sura being twice as large originally as those under Pumbedita. But according to the account published by Shulam, it was a question of the donations, which were put into a common fund for the Academies, two-thirds being allotted originally to Sura and one-third to Pumbedita. The rather indefinite expression in Shulam’s report, נזילה שני דלקים, was misunderstood by Rabbi Samuel ha-Nagid, who took the רשויה of the previous sentence as the subject. This view is proved incorrect by the words of Rabbi Nathan, כל מה שיבא.

² Halevy might have learnt from Coronel’s introduction to the *דמשה* קובצרים that the MS. of this report used by Neubauer for his edition had been written in 1509, while Shulam published the *Yohasin* at Constantinople only in 1566. On the MSS. of this report comp. Marx, in *Z. H. B.*, V, 57-8, and IX, 140. Steinschneider, in *Geschichtsliteratur*, 21, likewise entertains the supposition that Shulam’s report goes back to Rabbi Samuel ha-Nagid. It need not be said that the great historian was too circumspect to assume, as Halevy does, that Shulam had simply copied Rabbi Samuel’s narrative from Zacuto. He is of the opinion that the source made use of by Shulam is traceable to Rabbi Samuel’s Introduction, which, however, as has been shown, is equally unwarranted.

while Rabbi Samuel ha-Nagid has the somewhat pompous expression *ימות ראש גלות וכשיפטר ראש גלות לבית עולמו* for *ימות ראש גלות*, and in the same sentence he uses *הרשאות השוב* for the *הרשויות שלו* of the other two sources.

But as, on the other hand, Rabbi Samuel ha-Nagid's presentation in the main agrees literally with the description of the Academies preceding Rabbi Nathan's report, we are safe in assuming that Rabbi Nathan is the source for both. The development must have been thus: Rabbi Samuel, in his Introduction to the Talmud, where he had to speak of the two Academies, abstracted Rabbi Nathan's account, which may have come under his notice through the Jews of Kairwan, with whom, it is well known, he was in constant communication¹. Another author, who had heard Nathan's account from his own mouth, tried to make up a brief sketch of the Academies. He gave a few facts regarding their origin at the time of the Amoraim, and then, to lend his compilation an air of completeness, he eked out Nathan's report by the addition, at the beginning, of a chronology from Adam to David, the last of the Exilarchs, taken from the *Seder 'Olam Zutta*. According to the notions prevailing in the Middle Ages as to literary practices, this compiler, who patched together three pieces from three different sources, deserved the name author, and, without burdening his conscience, he could maintain silence regarding the sources used by him. This "opus" he made the introduction to the narrative which he had taken down from the mouth of Nathan, honestly introducing it with the words "and what Nathan said"².

¹ Even his questions addressed to the Babylonian Geonim were transmitted by the Kairwan scholars; comp. Harkavy, 107. The literal agreement of Rabbi Samuel ha-Nagid's report with Rabbi Nathan's disposes of the theory that the former made use of Ibn Hofni's Introduction to the Talmud.

² In his *יהודה*, § 42, Ibn Verga quotes a report on the installation of an Exilarch from *השינוי בארץ ראשונים*, which seems to be independent of Rabbi Nathan's, while the passage about the Exilarch Ukba, in Rabbi Abraham ben Nathan's *Manhig*, 32 a, probably goes back to Nathan.

THE SUPREMACY OF SURĀ.

We return to our starting-point. The relation of the two Academies to each other, and their relation to the Exilarch, can in a measure be defined now. Rabbi Samuel ha-Nagid, as well as the anonymous author in Shulam, who, as we have seen, is none other than Rabbi Nathan the Babylonian, are explicit upon the subject. Originally, the head of the Academy at Pumbedita could be appointed only with the concurrence of the Gaon of Sura. If the heads of the two Academies met anywhere, the Gaon of Sura was given the precedence. This was particularly marked when they paid their respects to the Exilarch on his "reception Sabbath." In their correspondence, the head of Pumbedita had to address "the Gaon and the scholars of Sura," while the head of Sura wrote simply "to the scholars of Pumbedita." In case the Exilarchate had no incumbent temporarily, its revenues fell to the share of the Gaon of Sura. Sura received two parts of the donations contributed for the maintenance of the Babylonian Academies, and Pumbedita but one part. This fiscal arrangement was changed in 926, under the Gaonate of Kohen-Zedek¹, when Pumbedita was made equal sharer with Sura, on account of the increase in the number of disciples in the former Academy.

On the basis of these facts, Graetz properly makes the assertion that originally the title Gaon was the prerogative of the head of the Academy at Sura, the Gaonate not being a duumvirate, but an institution with a single chief, and its origin must be explained with these facts in mind. In opposition to this sane view Halevy (p. 151 et seq.) puts up a theory, which sets forth that in the Geonic

¹ There is not the remotest warrant for supposing that Kohen-Zedek, the Gaon of Pumbedita, was here confused with his namesake of Sura. The important change in favour of the Academy at Pumbedita could naturally not have been connected with the name of the Gaon of Sura.

time Pumbedita held the leading place, and the above-mentioned privileges of Sura applied to the time of the Amoraim, probably of Rab Ashi, with but few exceptions not being in force in the Geonic time. But how, in the name of common sense, can it be said that the claim upon the larger share in the donations to the Academies appertains to Talmudic times? We know from Talmudic data (*Gittin*, 60b) that the revenues of the Academies consisted of voluntary contributions deposited in boxes, which were put up for this purpose in the house of the head of the Academy. We should be accusing Rab Ashi of highway robbery pure and simple, if we supposed that he ordered the removal of two-thirds of the contents of the box at Pumbedita to the coffers of Sura. It is hardly necessary to defend the great leaders of the Jews against such charges. Halevy, in particular, has no ground under his feet when he relegates the privileges of Sura to Talmudic times (p. 263), because he gives the preference to Rabbi Samuel's version, which bases the distribution of the moneys between the two Academies upon the parish divisions for judicial purposes¹, and such divisions, it is well known, did not exist in the Talmudic time, as the appointment of communal officers was in the hands of the Exilarch.

Besides, as applied to the Talmudic epoch, what does it mean to say that the head of the Sura Academy was addressed as Gaon by his colleague? Even if Gaon is not taken literally, but as an equivalent for מתיבתא, it is not a term used in the Talmudic period in addressing a scholar. רבינו and חברנו are the titles applied to scholars in that time². The parts assigned to the heads of the Academies on the "reception Sabbath" of the Exilarch are altogether incongruous with the time of Rab Ashi, about whom we are told explicitly that the Exilarch Huna

¹ Comp. above, p. 35, n. 1.

² *Ketubot*, 69a, חברין; *Shebu'ot*, 36a, רבינו; comp. also *Hullin*, 95b, לקדם, רבינו. . . . לקדם חברנו.

ben Nathan subordinated himself to him (*Gittin*, 59 a), while in the narratives under examination, the respect shown the Exilarchs by the Geonim is dwelt upon in unmistakable words.

However, Halevy adduces reasons for his opinion, that the prerogatives of Sura do not apply to the Geonic time. And astonishing reasons they are! From the letter of Sherira we know that two scholars of Pumbedita, Rabbi Samuel and Rabbi Jehudai, occupied the Gaonate of Sura¹. The reverse situation is not mentioned as a fact. But, as Dr. Elbogen justly says, "Lack of knowledge on our part is not a counter-argument" (*Die neueste Construction der jüdischen Geschichte*, 33). Sherira, belonging to Pumbedita, was particularly proud of the distinction that fell to the lot of two members of his own Academy, and records it with great satisfaction. On the other hand, he had absolutely no occasion to report the appointment of scholars from Sura at Pumbedita. Quite apart from this consideration, the installation of scholars from Pumbedita at Sura has nothing to do with the question before us. On the contrary, from the fact that the greatest scholars of Pumbedita were invited to Sura, we might justly infer that Sura excelled the other Academy in importance and dignity, and therefore those of Pumbedita regarded their appointment as a distinction. The right of veto in connexion with the appointment of a new Gaon in Pumbedita, which the sources mention as a privilege of the Sura Gaonate, does not affect the question as to whether, in the course of centuries, two or three scholars hailing from Pumbedita were installed in office at Sura.

For the rest, it can be demonstrated from Sherira's Letter itself that scholars of Sura occupied the Gaonate of Pumbedita. An extraordinary circumstance, to which no attention has been paid hitherto, is that Sherira notes

¹ Halevy might have added Rabbi Samuel ben Hofni, for he was a grandson of the Pumbeditan Gaon Kohen-Zedek, and assuredly belonged to the Academy of Pumbedita.

the provenance of only three of the Geonim of Pumbedita¹. They are Rabbi Natronai, of Bagdad, Rabbi Isaiah of בלוארי, a suburb of Bagdad, and the successor of the latter, Rabbi Joseph of שלהי or שלהי. It is, of course, inconceivable that the rest of the Geonim of Pumbedita, as many as three dozen, should all have hailed from Pumbedita itself; or that Rabbi Sherira should be ignorant of their provenance. Rabbi Hai, for instance, reports that the Gaon of Pumbedita, Rabbi Hai ben David, had been active, before his accession to office, as judge in Bagdad², and what the son knew the father could surely not have been ignorant of, and yet Rabbi Sherira does not mention the fact that Rabbi Hai ben David's home was in Bagdad.

This striking peculiarity can be explained only upon the assumption that Rabbi Sherira adopted the system of mentioning the provenance of the Geonim of Pumbedita only when they were members, not of the Academy of Pumbedita itself, but of Sura—an assumption that rises to the degree of certainty when we remember that Bagdad and Sura are close to each other³. The addition of the words "of Bagdad" to the name of a Gaon, is tantamount to calling him a member of the Academy of Sura. It turns out, too, that not only Rabbi Natronai, of Bagdad, and Rabbi Isaiah, of בלוארי⁴, are to be reckoned among the

¹ Of course, I do not take into consideration the Geonim who were in active life before or about 689. Rabbi Sherira himself was not always prepared to give unexceptionable information regarding this early Geonic time, and therefore he would take good care to add any detail he might happen to know. The characterisation of the Gaon Rabbi Manasseh ben Joseph as עקיבה הוא מן בני בי עקיבה is unintelligible; probably the passage is corrupt.

² Ibn Gajat, ש"ש, I, 63.

³ The distance between these two places can be determined with a fair degree of accuracy. Al-Kasr, a suburb of Bagdad, the original home of the Exilarch David ben Zakkai, was six miles from Sura, according to other readings seven, and even ten miles, the variations being based upon the resemblance of the letters י"ו"י to one another. Comp. Prof. Nöldeke in *J. Q. R.*, XVII, 760, note 3.

⁴ Wallerstein's text even has מקרוב למקרא ומקרא למקרא.

scholars of Sura, but even Rabbi Joseph, of שלהי, which, as we learn from Talmudic references, is situated close to Sura¹.

As for the supposition ventured above, that the successor of Rabbi Natronai was his brother Rabbi Abraham Kahana, the proof can be adduced, that he is the sole and only Gaon of Pumbedita, in the period after 689, whose name is not linked with his father's. The natural explanation is that, being the successor to his brother, the father's name appeared in connexion with his predecessor's, and hence there was no need to repeat it. We should, therefore, be justified in putting Rabbi Abraham Kahana among the members of Sura who occupied the Gaonate of Pumbedita. For my part, I should be inclined to classify Rabbi Paltoi in the same way, for the reason that he refers (Müller, p. 88) to a custom in בית רבנו של בבל, the venerable old synagogue which Rab had founded in Sura, and the scholars hailing from Sura were the only ones who made reference to this institution².

¹ Berliner, *Beiträge zur Geographie und Ethnographie Babyloniens*, 33, note 1, is of the opinion that שלהי must be looked for in the vicinity of Sura or Pumbedita. But *Baba Batra*, 172 a, shows, as the Tosafists noticed, that it was in the neighbourhood of Rabbi Huna's place of residence, that is, Sura. In other passages, too, it occurs only in connexion with Rabbi Huna's presence in Sura. *Comp. Bezah*, 25 b; *Baba Mezia*, 63 b, does not indicate, as Rashi thinks, that Rabbah and Rabbi Joseph lived close to שלהי. Their dwelling-place was Pumbedita, which may have been a day's journey from שלהי. The real meaning of the passage is that great traffic in wheat was carried on there, therefore it was denominated a wheat centre. If Rabbi Sherira, 30, 12, speaks of Rabbi Nahman's having been in שלהי ומרחוק, he means that after the destruction of Nehardea he first repaired to שלהי, and then betook himself to Maḥoza in the vicinity of Pumbedita. Keeping in mind the well-known tendency of the Babylonians to eliminate the letters ה and ה, the spelling שלהי for שלהי need not astonish us; comp. Funk, *Juden in Babylonien*, 155, 160.

² Rapoport, in *ערך מילין*, 142, has the proper explanation of the expression so frequently used by the Geonim, בית רבני שבבבל, or briefly בית רבני, an explanation that I had myself hit upon independently of Rapoport, and communicated to Professor Alexander Marx, who indorses it in his *Untersuchungen*, &c., 11. It was only later, while engaged in the present investigation, that I discovered it in the *ערך מילין*, to

If it is at all proper to constitute the appointment of members of one Academy to the Gaonate of the other as

which I here give credit for it. Rapoport points out that the academy and synagogue of Rab were so called in the Talmud, *Megillah*, 29a. Halevy (p. 105) has managed to misunderstand Rapoport's words entirely. He had no idea of asserting that in the Geonic time ב"ר שבבבל meant the Sura Academy, seeing that it occurs almost always in connexion with the שתי ישיבה. What Rapoport did say is, that in *Talmudic* times the expression was applied to the academy and the synagogue of Rab, but later only to Rab's synagogue. The change has a good reason. To replace the academy erected by Rab, his disciple Rabbi H̄isda (Rabbi Sherira, Letter, 30, 16) built a new and apparently a larger structure somewhere near it. With the disuse of the old building for academic purposes, the old name ביה רביני ceased to be employed for the Sura Academy. On the other hand, the building erected by Rab was used as a synagogue (*Baba Batra*, 3b) until the time of Rab Ashi (according to some, Mar bar Ashi; comp. Rabbinovicz, ad loc.), and the name ביה רביני שבבבל was retained for it, even after Rab Ashi rebuilt it. It is this synagogue that continued to be called ביה רביני שבבבל down to and in the time of the Geonim. The fact that it had been remodelled by Rab Ashi justifies Nahmanides (quoted by רא"ש, end of *Rosh ha-Shanah*) in saying of the Geonim that "they prayed in his [Rab Ashi's] synagogue." Halevy (II, 594) maintains that the בניישה רביני rebuilt by Rab Ashi was not the synagogue of Rab in Sura, but a place of worship frequented by the scholars of מרא מחסיה. But though he is right in taking Sura and מרא מחסיה to be two separate places, as was proved long before him by Hirschensohn, *שבני הכמה*, s.v., and by Berliner, *Beiträge*, &c., 45, yet there is no doubt that each of the two names was sometimes applied indiscriminately to both places together. The epithet רביני applied to Rab in the Geonic time occurs in the Genizah fragment published in the *J. Q. R.*, XVIII, 403, in Harkavy (253), and in the MS. of Ibn H̄ofni's "Introduction." Halevy's conjecture, that ביה רביני was the Exilarch's synagogue at Bagdad, fails to recommend itself for various reasons. It is true the Exilarchs had their private synagogue; comp. the report in Ibn Verga, 42. But in the first place, the Exilarchs are never called רביני, and in the second place, the synagogue in Bagdad, in which the Geonim worshipped and preached on the שבתא ררינא, had a name of its own, בניישה רביני, as Rabbi Sherira tells us explicitly, 38, 6. If it is argued that Rabbi Sherira is here speaking of a single definite time when the Geonim worshipped in this synagogue, then the proper inference from the passage is that the Exilarchs had no synagogue set apart as theirs, else it would have to be explained why they did not worship in it on this occasion. Rapoport calls attention to the fact that the Sura Geonim are the only ones who speak of the synagogue שבבבל, and I shall attempt to give an approximately complete enumeration of

a standard of superiority, we now have further evidence in favour of the pre-eminence of Sura in the five names of scholars of Sura who acted as Geonim in Pumbedita, as against the two from Pumbedita who officiated similarly in Sura, aside from the fact that the appointment of the

the passages in which it is mentioned : ל"ג, 90, Rabbi Natronai = ט"ו, 55 ; ה"ג, 125, Rabbi Zemaḥ, this being Rabbi Zemaḥ ben Ḥayyim of Sura, not Rabbi Zemaḥ ben Paltoi of Pumbedita, for he quotes the Sura Geonim Rabbi Jacob and Rabbi Ḥanina. The same Rabbi Zemaḥ is the author of the Responsum in ה"ט, 187, where a certain usage of ב"ר ש"ב is referred to. By many *Poskim* it is ascribed to Rabbi Zemaḥ ben Paltoi. However, it can be proved that it is the Suran Rabbi Zemaḥ. While the Suran Geonim Rabbi Natronai and Rabbi Amram agree with Rabbi Zemaḥ, Rabbi Hai (Ibn Gajat, ט"ט, II, 109, and others) states that he had never seen, in any synagogue, the custom described by Rabbi Zemaḥ. The difference of opinion can be explained only by the fact that the custom of Pumbedita varied from that in Sura in this as in so many other respects. To continue our enumeration : ט"ו, 220, Rabbi Natronai, who shares with the Sura Gaon Sar Shalom the peculiarity of using the expression oftener than others, comp. Albargeloni, ה' העדים, 172, 173, 174, 249, 281, 289 ; 'Aruk, s. v. ש"ב"הל ; נ"י, 50 = ט"ז, 25 a, according to the readings of MSS. S and O ; also ש"ב"הל, 49, where the Responsum quoted is by Rabbi Natronai ; see below, p. 192. The passages listed by Marx, *Untersuchungen*, &c., from the *Seder Rab Amram* probably go back to these two Geonim also. The Responsum given in *G. S.*, p. 91, where ב"ר ש"ב occurs, in all probability owns Sar Shalom as author, the next Responsum but one being attributed to him elsewhere, as I remark in *G. S.*, p. 90. The Responsum on p. 119, which mentions ב"ר, is surely by Rabbi Natronai. In נמ"ז, 122, the text should probably read, not ובריה כניסיה של רבנן, but with Albargeloni, l. c., 281, ובריה הנוסח של רבי. In ט"ו, 287, near the end, the text is altogether corrupt : the words הרי אמר רבי שבבל וכן נהיגא קמיה are unintelligible. Perhaps what we have here is an extract from a Responsum by a European or African disciple of Rabbi Hai, who calls his teacher רבי שבבל. The words in פ"ד, 46 b, bottom, are also to be traced back to the Responsum by Rabbi Zemaḥ ben Ḥayyim just mentioned, in which the use of ב"ר שבבל is spoken of. The decision cited in ש"ב"הל, 156 (= תניא, 83), in the name of Rashi is found in פ"ד, 47 b, end, and in ה"ט, 187, whence also the ב"ר ש"ב in ש"ב"הל and הניא, Rabbi Natronai being the author. This array of material should suffice to convince the inquirer that ביה רבי must have been a synagogue in Sura, and that in turn should suffice to identify it with the ביה רבי of the Talmud, the synagogue of Rab. Comp. Marx, *Untersuchungen*, &c., 10-12.

scholars of Pumbedita to Sura may probably be ascribed to the autocratical interference of an Exilarch¹.

In his eagerness to carry through consistently his theory of the pre-eminence of Pumbedita as compared with Sura, Halevy actually turns a scientific somersault. Only by violent means could he arrive at the desired result of reversing the true relation between the two Academies. He maintained, for instance (p. 159), that the precedence accorded the Gaon of Sura at the "reception Sabbath" of the Exilarch, of which the sources tell us, is due to the circumstance that the seat of the Exilarch was near Sura, and it was natural that first place should be ceded the Gaon of Sura in his own judicature. But unluckily Halevy himself quotes a passage (p. 154) from Sherira in which the fact is stated that the address at one of the receptions of the Exilarch in Bagdad בבלה רבתי was delivered by the Gaon of Pumbedita, and if the heads of the Sura Academy could lay claim to precedence anywhere, it was surely in Bagdad, which, as Halevy himself remarks, is situated in the immediate neighbourhood of Sura.

In point of fact, the passage in Sherira from which Halevy draws support for his theory is indisputable evidence in favour of the superiority of Sura. Sherira maintains (33, 13) that the regulation, originating in the time of Rab Ashi, according to which the Exilarch held his reception at Sura, whither the Gaon of Pumbedita had to betake himself, was abolished during the Exilarchate of David ben Judah. The reason was, as Graetz correctly remarks, that the Mohammedan government no longer put its powerful assistance at the disposal of the Exilarchate. From this time on, therefore, if the Exilarchs desired to keep in touch with the Academy of Pumbedita, they had no choice but to betake themselves in person to Pumbedita and arrange for reception ceremonies there.

But this statement is contradicted by two other passages, one in Nathan ha-Babli's account, and one in

¹ Comp. the words of Rabbi Sherira, 36, bottom, and 37, 5.

Sherira's Letter itself. Nathan ha-Babli says that so late as his own time the two Geonim waited upon the Exilarch at his reception, which took place in the residence of the Exilarch, a suburb of Bagdad. Sherira, again, mentions the fact (38, 6), that Rabbi Abraham and Rabbi Joseph, Geonim of Pumbedita, went to Bagdad to wait upon the Exilarch.

These contradictions can be harmonised. The prerogative enjoyed by the Exilarch, of summoning the Geonim of Pumbedita to Sura for the reception, was at the same time a prerogative of the Sura Academy. Thus the interests of the Exilarchate, in aiming to abrogate the institution, coincided with those of the Pumbedita Gaonate. As the first step towards their end the Exilarchs transferred their reception to Bagdad, their residence. The Geonim of Pumbedita were only too well pleased with the change, and hastened to pay their respects to the Exilarch at Bagdad. The Geonim of Sura, on the other hand, hung back for a while, appealing to their time-honoured right, which required the presence of the Exilarch at Sura.

This throws light upon Sherira's passage mentioning the address delivered by the Gaon of Pumbedita on the occasion of the Exilarch's gala day. The chiefs of the Sura Academy simply absented themselves, and the privilege of delivering the address naturally devolved upon the Gaon present, the Gaon of Pumbedita. In the course of time, in the measure in which the Academy at Pumbedita gained in strength, and at the same time the Exilarchate declined, the Geonim of Pumbedita also became derelict, and did not appear to attest their allegiance to the Exilarchs. Interested in describing only the beginning and the end of the development of the relations between the Gaonate and the Exilarchate, Sherira had no intention of speaking about anything except the old institution of the Exilarch's reception at Sura and the late custom prevailing in his youth, when the Exilarchs

came to Pumbedita. These questions of etiquette naturally were determined by the relation of the Exilarch to the Geonim at a given time, and—a still more important consideration—by the influence which the Exilarch could bring to bear upon the government. Some years after the reception of the Exilarch is known to have taken place at Bagdad, we find again a reference to an Exilarch who restores the old prerogative to Sura¹. It may, of course, not be overlooked that at that moment the Gaon of Sura was Sar Shalom, a son-in-law of the Exilarch, whose predilection for Sura thus appears most natural². In his reference to the homage done the Exilarchs by the Geonim, Nathan ha-Babli probably had conditions in mind as they existed at the time of the Exilarch David ben Judah, who, to judge from our data about him, was a man likely to exact as a right the consideration due to the Exilarchs, if need be by resort to the help of the state. Under him, doubtless, the Geonim found it expedient to pay their respects to the Exilarch, if not annually, at least now and then, for the sake of peace.

THE TITLE GAON ORIGINALLY THE PREROGATIVE OF SURA.

It appears, then, that Sherira, so far from maintaining that Pumbedita had precedence over Sura, can be cited as a witness for the correctness of Nathan ha-Babli's statement of the reverse. All that is necessary is to read the text critically.

The assertion made by Nathan, that the title Gaon originally appertained to the chief of the Sura Academy alone, is corroborated strikingly by the following Responsum, unique in its way, sent by the Sura chief to

¹ י"ט, 4; the author is Sar Shalom; comp. *Tur*, *Orah Hayyim*, 566, and MS. Sulzberger of the *Seder Rab Amram* in Marx, *Untersuchungen*, &c., 16.

² Comp. Rabbi Hai's Responsum in the appendix to Rabbi Sherira's Letter, ed. Mayence, p. 63. The Responsum was known to the author of the *Tur*, as appears from *Tur*, *Hoshen Mishpat*, 7.

the Pumbedita chief. The mere fact that the Gaon of Sura transmits a decision to the Gaon of Pumbedita, suffices to demonstrate the superiority of the former as compared with the latter. Every remnant of doubt must be banished by the official superscription. The Responsum in question has been preserved in פרדס (28 a), in the MS. of the ראבי"ה¹ and in אור זרוע (I, 114 b). It contains the decision of the Sura Gaon, Rabbi Jacob ben Mordecai (801-815), addressed to the Academy of Pumbedita, presided over by Rabbi Joseph ben Shila, with the attestation to the signature of the Gaon on the part of the Sura scholars in these words²: כתבא דנאפיק לקדמנא רברבי דמתיבתא דמתא מחסיה וכתיב: הכא לבי דינא דמר רב יוסף ריש מתיבתא בריה דמרנא ורבנא שילא —“This document [of Rabbi Jacob] was seen by us, the scholars of the Academy at Meḥassia, and it is intended for the court of justice of the chief of the Academy, Rabbi Joseph ben Rabbi Shila.” This official superscription confirms the statement made by Nathan, that the Gaon of Sura did not address the head of the Academy at Pumbedita, but the Academy itself, and when he mentioned the head of the Academy, he did not call him Gaon³.

Accordingly, it is highly probable that Rabbi Samuel Resh Kalla, whose pupil, Rabbi Aḥa, was the author of the *She'eltot*, is none other than the Rabbi Samuel, the chief of the Academy at Pumbedita, whose successor Rabbi Aḥa would have become if the Exilarch had not hindered it. Sherira was in the habit of conferring the title Gaon by

¹ Comp. the extract from the ראבי"ה in דגוש, supplem. to the Heb. periodical הדבאר, II, no. 11, p. 18. I am indebted to Dr. A. Marx for this reference.

² The text given is based upon a combination of the three sources mentioned in the text, all of which contain many errors.

³ The question was doubtless addressed by the head of the Academy of Pumbedita, Rabbi Joseph ben Shila, to the head of the Academy at Sura. Mere courtesy, then, required that the reply should at least recognise the existence of the questioner by mentioning his name. The case in Harkavy, 276-7, does not come in the same class.

courtesy not only upon the chiefs of the Pumbedita Academy, but also upon Amoraim¹ who were at the head of schools. He applies the same title to Rabbi Samuel, though his disciple Rabbi Aḥa and other sources properly call him Resh Kalla, the title originally belonging to the heads of the Pumbedita Academy. That he actually was at the head of the Academy at Pumbedita appears particularly from the passage in *γ"ש*, 17 b, 7, reporting a case in law which had been submitted during several Kallas to Rabbi Samuel, who never gave a decisive answer. But if the case was so important that the questioners urged a decision, why was not the opinion of the Gaon solicited? To say that the difficulty was brought before Rabbi Samuel during the Gaonate of Rabbi Natronai ben Nehemiah, with whom the scholars of Pumbedita had a feud, and whom they therefore ignored, is an evasion dictated by embarrassment. In the first place, one would expect the question to be put to the Gaon of Sura in such an emergency, and secondly, knowing as we do from Sherira, that the scholars of Pumbedita took refuge at Sura during the Gaonate of Rabbi Natronai, it would be very surprising if the Resh Kalla, instead of joining them, stayed behind in Pumbedita.

A further verification of the fact that this Samuel Resh Kalla was the actual head of the Pumbedita Academy is found in the report in *ג"ה*, 84 a, which tells that a certain case was decided by Rabbi Jehudai, the head of the Sura Academy, in common with Rabbi Samuel. The case, which deals with the validity of a marriage between Samaritans and Jews, being very important, the opinion of both Academies was desired. There is one difficulty to be overcome, for, according to Sherira, Rabbi Jehudai attained to the Gaonate some few years after the death of Rabbi Samuel. But Rapoport (note 24 on *תול' ר' נתן*) points out that the dates in this passage of Sherira's Letter require

¹ The Midrash *Temurah* even has the superscription *נאוני עולם רבי עקיבא* *ורבי ישמעאל*.

such correction as would bring the beginning of Rabbi Jehudai's Gaonate earlier. It is interesting to note the modification which this passage, as cited in הלכות ראו, 83, has suffered. The names of the authorities are reversed as compared with the order in ה"ג, and it is the correct order, for Rabbi Samuel doubtless was older than Rabbi Jehudai, who attained to office only shortly before the death of Rabbi Samuel.

As for the identity of Rabbi Samuel, the head of the Academy at Pumbedita, with the Rabbi Samuel who was the teacher of Rabbi Aḥa, it can be demonstrated from data in Sherira's Letter. The first is there called רב שמואל רב מר דאיקר (35, 2, below). The last word eluded every attempt at explanation, and there was nothing to do but cross it off. Now, we know from statements made by the author of the *She'eltot*, that his teacher, Rabbi Samuel, came from the neighbourhood of Sura, from a place situated on the river בירן (see Brüll, *Jahrbücher*, II, 149—a reference not regarded by Berliner, *Beiträge zur Geographie und Ethnographie Babyloniens*, 3, s. v.). Accordingly, דאיקר calls neither for elision nor emendation. It simply means that Rabbi Samuel came from Diakara, a town close to Bagdad and Sura. As Rapoport has shown in his ערך מלין, 33, it is called אידי דקירא in the Talmud, and by the classic writers Diakara, which corresponds exactly to Rabbi Sherira's contracted form דאיקר. Thus we have not only succeeded in finding the teacher of Rabbi Aḥa in Sherira's Letter, but at the same time we learn from it that he was a scholar of Sura, one of those presiding over the Academy at Pumbedita. As was proved above, Sherira is in the habit of recording the Suran origin of Geonim of Pumbedita. Moreover, it is very probable that Rabbi Huna Alluf—or Resh Kalla, for the two titles are identical with each other (comp. *G. S.*, p. 242)—who is mentioned in ה"ג, 8 b, is the Rab Huna designated by Sherira as the chief of the Pumbedita Academy at the beginning of the seventh century. The

passage in ה"ג, 34 a, should be corrected according to ה"ג ed. Hildesheimer, 170, to read רמ"ר רב הונא. It refers to the chief of the Pumbedita Academy, whom the author of ה"ג properly calls Alluf or Resh Kalla, but never Gaon.

It appears that the head of the Pumbedita Academy, Rabbi Judah, who was in office soon after this Rabbi Samuel, is identical with the Rabbi Judah who is mentioned in ה"ג, 21 d (ed. Hildesheimer, 131), and who, though president of the Pumbedita Academy in this early Geonic period, bears, not the title Gaon, but the title Resh Kalla, or its equivalent Alluf. The addition of דמנהר פקוד to his name does not mean that he was Resh Kalla in פקוד, but that he hailed from that town, and was active in Pumbedita. As the scholars of נ' פקוד at the time of the Geonim belonged to the Sura Academy—four Geonim Sura came thence—Rabbi Judah is found to be another of the Surans appointed to the presidency of Pumbedita.

Harkavy, however (*Samuel ben Hofni*, note 124), goes astray in holding Rabbi Ḥaninai, ריינא רבנא, mentioned in פ"ט, 3 a, 17, to be identical with the Gaon Rabbi Ḥaninai, who does not bear the title, because at the time of Bostanai, with whom Rabbi Ḥaninai was contemporary, the title did not yet exist. The passage cited refers to a dispute among the descendants of the Exilarch. It was altogether proper that such a case should go before "the chief judge," ר' רבנא, of the Exilarch (comp. *G. S.*, p. 318, note 2, and above, p. 12), and not before the Geonim.

Interesting as these scattered indications are, yet we have no need of them in order to establish the supremacy of Sura. The whole of Geonic literature bears irrefutable testimony to it. Up to the second third of the ninth century, the Responsa literature contains not a single Responsum by a Gaon of Pumbedita¹, while the activity

¹ Graetz, V², 400, ascribes the Responsum in פ"ט, 24 b, 10, to Rabbi Natronai ben Nehemiah, the Gaon of Pumbedita. His hypothesis that ושרי is simply a slip for ושרי is doubtless correct, and corroborated by the MS. reading, but the inference is by no means inevitable that

of the Geonim of Sura began as early as the eighth century. The first Gaon of Pumbedita from whose hand we possess Responsa in numbers is Rabbi Paltai, and the first three years of his Gaonate coincide with an interregnum in the Sura Gaonate¹. But even the Responsa originating in Pumbedita after the time of Paltai cannot compare with the output of Sura, either in point of quantity or quality. The Responsa bearing the names of Kohen-Zedek, Sar Shalom, Natronai, Amram, Nahshon, Zemaḥ, Hilai, Saadia—all Geonim of Sura—practically form the Geonic Responsa literature until Rabbi Sherira and Rabbi Hai appear upon the scene. When the extinction of the Gaonate was imminent, the Geonim of Pumbedita stepped into the foreground by reason of the dissolution of the Academy at Sura. The assertion that the communities of Africa addressed their questions to the Geonim of Pumbedita, and those of Spain theirs to the Geonim of Sura, is incorrect in both its parts. Natronai, Zemaḥ, Saadia, and even Samuel², the last Gaon

the Responsum was written at the time of the false Messiah אר"י, as little as Emden's zeal against Sabbatians argues his contemporaneity with Sabbatai Zebi. The authorship of Rabbi Natronai ben Hilai is confirmed by the fact that Responsum 9 in א"י, 24 a, is by the same Gaon as no. 10, and in the former a plain reference is made to the Karaites. Accordingly, Natronai ben Nehemiah, who lived long before Anan, cannot be the author. Notice also the linguistic peculiarity that the Responsum is introduced with the expression ברבלי, a habit of the Sura Gaon Rabbi Natronai ben Hilai. Comp. נב"ר, 32; א"י, 21 b, 22; and א"י, 15 a, bis, which belong to Rabbi Natronai ben Hilai beyond the peradventure of a doubt.

¹ Comp. *Pardes*, 21 d, where Rabbi Paltai is described as גדול של אר"י שבורה.

² On Natronai and the scholars of Kairwan, comp. above, p. 32, note 7. Of Rabbi Zemaḥ ben Ḥayyim we have not alone his correspondence with the scholars of Kairwan relative to Eldad, but also his Halakic Responsum addressed to the same in פ"ר, 21 a. The correspondence of Rabbi Saadia with the scholars of Kairwan is to be found in א"י, 18 b-19 a, referred to above, p. 32. Even Rabbi Dosa, the son of Rabbi Saadia, corresponded with the scholars of Kairwan; comp. קהלה שלמה, 72. The correspondence of Rabbi Samuel ben Ḥofni with the scholars of Kairwan is published in the *J. Q. R.*, XVIII, 402. The scholars of כ"ר with whom R. Nahshon used to correspond (*Pardes*, 26 d) are probably the scholars of Kairwan.

of Sura, were consulted by the African Jews, and, on the other hand, Paltoi and his son Zemaḥ, of Pumbedita, received inquiries from Spain¹.

The fertility of Sura, manifested in the Responsa literature, was no less noticeable in other departments. The works of the Geonic period originated there rather than in Pumbedita. Not counting the works of Hai, whose literary activity falls in a time in which the Sura Academy had gone out of existence, the only production by a Gaon of Pumbedita preserved for us is the lexicographical work of Rabbi Zemaḥ ben Paltoi². The authoritative works all originated in Sura. The author of the ג'ה³, and Rabbi Amram and Rabbi Saadia, all occupied the Gaonate of Sura. Rabbi Amram compiled his *Seder* in compliance with a request addressed to him by Spanish communities, and Rabbi Saadia his order of prayers in compliance with a request addressed to him by Egyptian communities, showing that in so important a matter as the fixing of the liturgy, the communities of the Diaspora desired to have the advice of the Sura Academy alone.

THE ORIGIN OF THE GAONATE UNDER THE MOHAMMEDAN RULERS.

Returning for a brief *résumé* of the results of our inquiry into Nathan's account, we find that Rabbi Samuel ha-Nagid derives his data about the Academies from Rabbi Nathan, and a source that was considered authoritative by Samuel surely deserves our confidence, too. Further, we have seen that Nathan's report has nothing to do with the Amoraic Academies; it deals exclusively with those of the Geonic period, and by no means can the origin of the latter, as was demonstrated in detail, be relegated to the Talmudic

¹ Comp. *J. Q. R.*, XVIII, 401-2, 770.

² And even this is doubtful; comp. below, pp. 159-60.

³ Whoever may be designated as the author of the ג'ה, it is certain he must have belonged to the Sura Academy. Comp. Epstein, במסר על ג'ה' ט.

time, seeing that the older epoch knew nothing of a well-organized institution like the Gaonate, vested with great power and unquestioned authority. At the same time, our investigation has completely corroborated Nathan's statement that at first there was but one Gaon, the Gaon of the Academy at Sura. Hence the transition from the schools of the time of the Amoraim and Saboraim to the Academies of the Geonic period requires an explanation that concerns itself with more than the merely Jewish conditions prevailing in Babylonia. It is in some way connected with the political situation. It must be conceded that we possess no direct historical information naming the Gaonate as an institution of the early Califate, but no other political change took place during the centuries following the redaction of the Talmud capable of producing an institution of the character of the Gaonate. The supposition made by Graetz (V³, 895-6), that the Gaonate arose under Ali (657), remains the only plausible hypothesis, the more so if one remembers what Sherira says regarding the kind reception which Ali accorded a great Jewish scholar, Rabbi Isaac, of Firuz-Shabor. Graetz, however, can hardly be right when he supposes that this Rabbi Isaac obtained special privileges for Sura. It is, as Halevy says—if Rabbi Isaac had been inclined to be partial, his bias would have been in favour of his *alma mater* at Pumbedita, to which Firuz-Shabor belonged. It seems rather that what the spiritual leaders of the people secured from the new rulers was the permission to call into being, by the side of the Exilarchate, a religious authority with definite powers and competence. If this was so, it was natural that the chief of the old and venerable Academy at Sura should be placed at the head of the new board. In the course of time, as the Academy at Pumbedita developed more and more, its chief in the same measure gained in importance. But the parity of the two Academies reached the stage of an accomplished fact only in the time of Kohen-Zedek, when it is probable that Sura happened to be without a Gaon.

This assumption as to the origin of the Gaonate explains at the same time the frequent occasions for friction between the Exilarchs and the Geonim of Sura until the year 689, though they disappeared for ever after that crucial time. It was natural that the Exilarchate should not accept so powerful a rival as the Gaonate of Sura without manifesting some resistance. It required almost two generations for the Exilarchs to forget their former undivided power. But scarcely had the reconciliation of the Exilarchs and the Geonim of Sura taken place when the rise of the Academy at Pumbedita gave occasion for new difficulties. From the time of Mar Yanka (719), who had been installed as Gaon at Pumbedita contrary to the wish of the Academy, until the equally arbitrary appointment of Rabbi Isaac (833), there elapsed more than a century, during which the Pumbeditans had much to endure at the hand of the Exilarchs. The Gaonate of Sura was recognised by the State, and therefore the Exilarchate was forced to respect its rights; while the Academy at Pumbedita possessed no privileges reinforcing its claims, and was exposed to wanton interference on the part of the Exilarchs. Finally, in 830, when the Calif Maimun decreed that ten members of a religious body sufficed for the election of a chief for themselves, the disputes between Pumbedita and the Exilarchate were silenced for ever. After this ordinance was in effect, the Gaonate of Pumbedita took and maintained its place by the side of the Gaonate of Sura as an equal power. Thenceforth, neither the Academies nor the Exilarchate could count upon the exclusive support of the government; it was a matter of chance which gained its ear, and their differences had to be adjusted privately. These circumstances explain the fact remarked above, that Rabbi Paltoi (842) was the first of the Geonim of Pumbedita who issued decisions to outside communities. As long as the Gaonate of Sura was, beside the Exilarchate, the only Jewish authority recognised by the State, foreign Jews addressed their questions to the Geonim of Sura.

After the rescript of Maimun, it depended primarily upon the learning of the Gaon in the one place or the other whether the Academy of Sura or that at Pumbedita was given the preference.

NATHAN HA-BABLI'S ACCOUNT OF UKBA.

We have again come round to our starting-point, and I venture to think that a satisfactory conclusion has been reached concerning the remarkable relation subsisting between the Exilarchs and the two Academies. Before leaving the subject, however, it would be advisable to give close consideration to the last controversy between the Academy of Pumbedita and the Exilarch.

Of this controversy we have two widely divergent reports. At the end of his Letter, Sherira informs us that a quarrel broke out between two factions after the death of his grandfather Judah, in the year 917. One party favoured Mebasser¹; the other, with the Exilarch

¹ Steinschneider, *Arabische Literatur*, 70, believes the name to be a translation of the Arabic Mubashshir, which is not very convincing to me. Rather I should take it to be a כּוּי for Elijah, whose appellative in Jewish literature is *Mebasser*, "Proclaimer of Good Tidings," without further mark of identification. In the synagogue at Aleppo there is an inscription dated 834, in honour of מְבַשֵּׁר בֶּן יִצְחָק בֶּן מְבַשֵּׁר (Adler, *Jews in Many Lands*, 161), probably the earliest mention of the name known. In a letter dated 1029, also coming from Aleppo (גְּבוּי יְרוּשָׁלַיִם, III, 16 a), there occurs a מְבַשֵּׁר בֶּן יִצְחָק; likewise in a letter of the same year, written in Egypt, a מְבַשֵּׁר בֶּן יִצְחָק and a מְבַשֵּׁר בֶּן יִצְחָק are mentioned (*J. Q. R.*, XIX, 254). In the *J. Q. R.*, l. c., 727, occur the following: מְבַשֵּׁר בֶּן יִצְחָק, מְבַשֵּׁר בֶּן יִצְחָק, and מְבַשֵּׁר בֶּן יִצְחָק, all from the middle of the eleventh century. That an appellative of Elijah's should be used as the name of a person is not strange; the widespread name Emanuel is an epithet of the Messiah, as are also Zemaḥ, the name of three of the Geonim, and in common use down to our own day, and Sar Shalom (Isa. ix. 5), which is known to have been borne by others besides the prominent Sura Gaon, as, for instance, Sar Shalom ben Joseph, the signer of a contract in Fostat in 750 (*J. Q. R.*, XVII, 428), and the Chief Rabbi of Persia at the time when Benjamin of Tudela visited the land. Comp. also Harkavy, *Saadia*, 225, bottom. *À propos* of names in the Geonic time, is the name of the Gaon רַחֵי, identical with רַחֵי used by French Jews, recorded in Gross, *Gallia Judaica*, 149?

David at its head, favoured Kohen-Zedek, as Gaon of Pumbedita. Five years later a truce was concluded, the Exilarch gave up his opposition to Rabbi Mebasser. Nevertheless, Kohen-Zedek persisted, supported by a number of influential men, who remained loyal to him. Finally, after the death of Rabbi Mebasser, in 926, Kohen-Zedek was acknowledged Gaon by all, and he occupied the position for ten years, until his death.

At first sight the account of the occurrence given by Nathan ha-Babli seems far different. He has this to say: Between the Exilarch Ukba and the Gaon Kohen-Zedek a dispute broke out on account of the revenues derived from the community of Khorasan. Ukba appropriated them, though the moneys belonged to the Academy of Pumbedita. The Sultan, urged by the most influential of the Jews, banished the Exilarch, but he reinstated him after a year's exile, and then banished him again, this time irrevocably. Ukba emigrated to Africa. The Exilarchate, having been left vacant for a period of four or five years, the people demanded the appointment of David ben Zakkai. Their candidate was endorsed by Rabbi Amram ben Solomon, the Gaon of Sura. But Kohen-Zedek could only be prevailed upon to acknowledge the new Exilarch after a period of three years.

Now, it would be possible to reconcile the differences between Sherira's account and Nathan's as they affect the relation between Kohen-Zedek and the Exilarch. As the facts are, it would not be impossible to assume that a whilom enemy, once reconciled, is transformed into a friend. But the difficulty lies elsewhere. The chronological contradictions between the two sources are so numerous that Graetz's way of escape does not help the honest inquirer. Graetz accepts Nathan's account in respect to the facts of the case, and he places trust in Sherira's chronological data. Halevy justly argues against a method that is arbitrary and unscientific, and carries with it the implication that an authority like Sherira tells

a confused and unreliable tale of events happening in his own lifetime. Halevy himself, who represents Nathan as an ignoramus living after the extinction of the Gaonate, and patching his report together from older sources which he failed to understand correctly, is even further removed from the truth than Graetz.

It appears now that it is not sufficient for us to deal with a detail. The question that takes precedence is Nathan's credibility and trustworthiness. It therefore behoves us to analyse Halevy's presentation of the matter. The controversy, Halevy maintains, was not between Ukba and Kohen-Zedek, the Gaon of Pumbedita, but between Ukba and the Kohen-Zedek who was Gaon of Sura (845). But Nathan, according to Halevy, knew nothing about the older Kohen-Zedek, and he confused him with the younger man, the Gaon of Pumbedita of the same name, and, as he was aware that at some time a dispute had occurred between the Academy of Pumbedita and the Exilarch David, he constituted Kohen-Zedek the opponent of David, although Sherira informs us that the opposite was the case. As a consequence of the quarrel between Ukba and the Sura Academy, of many years' duration, Amram was appointed Gaon by the Exilarch, in opposition to the incumbent Natronai (853-6). The celebrated Gaon Amram bar Shashna¹, the author of the *Seder*, Halevy holds, is no

¹ The great difficulty lies in this, that, according to Rabbi Sherira's Letter, Rabbi Amram had himself proclaimed as Gaon during the lifetime of Rabbi Natronai, while, to judge by the *ס"ר*, the relation between the two must have been very cordial. Not only does Rab Amram speak of Rabbi Natronai with great respect (comp. particularly his words in Marx, *Untersuchungen*, &c., 2), but he also quotes his Responsa on every page of his *Seder*. Indeed, the number of Responsa by Rabbi Natronai in the *ס"ר* is larger than those quoted from all the other Geonim taken together. Halevy's hypothesis, so far from doing away with the difficulty, rather increases it. For if Rab Amram, as Halevy maintains, was put up as Gaon in opposition to Rabbi Natronai, during the quarrel between the Sura Academy and the Exilarch Mar Ukba, then Rab Amram was disloyal not only to Rabbi Natronai, but to the Academy as well! This forces upon me the conjecture that the passage in question in the Letter

other than Amram ben Solomon, who continued to preside over the Academy at Sura, according to Nathan's statement, even during the interval between the deposing of Ukba and the installation of David. The latter was generally accepted as Exilarch about 875, shortly after the death of Amram, and he remained in office for more than half a century. Furthermore, Halevy says, Nathan labours under a misapprehension when he states that Hai ben Kiyumi¹ was the predecessor of Saadia in the Gaonate. The simple explanation is that he had heard of a Gaon of Sura named Hai, Hai ben Nahshon, and he confounded him with the celebrated Hai ben Sherira, the last Gaon of Pumbedita, and at once he was ready to make the latter Gaon of Sura, and endowed him with a father of another name.

So far Halevy. For the present, we shall put aside the question as to the time and trustworthiness of Nathan, and shall confine ourselves to the consideration of Halevy's theory.

by Rabbi Sherira is corrupt. I would propose the following reading: "And before this time היה הכין הוא פליג נאמן לרב עמרם אִקְרִי ונחיה מיניה [before Rab Amram became Gaon], the Gaon [Rabbi Natronai] waived the honour due to him from Rab Amram, and the latter therefore omitted to pay his respects to him." It must be remembered that פליג אִקְרִי, "to show respect," is used in the Talmud, as, for instance, *Baba Batra*, 119 b, and in ה"ג, 54, by Rabbi Natronai, in the sense of "yielding precedence." Furthermore נחיה מיניה is the reverse of היה קמיה, which Rabbi Sherira uses, 28, 5; 41, 4, to express the recognition given to a Gaon, in that the members of the Academy, including even the most prominent scholars, attended the lectures of the Gaon occasionally. Attention should be called to the fact that in this passage היה פליג ליה cannot be translated by "he opposed him." For this Sherira would have used עיליה, as in 41, 4. There remains only to add that the words הר"ר עמרם נאמן ובסדר ר' עמרם כך השיב לר' נשרמאי נאמן, quoted by Rabbi Aaron, of Lunel, in אר"ה, I, 18 a, from Nahmanides, are to be corrected so as to read הר"ר עמרם כך השיב לר' נשרמאי נאמן, as appears from Nahmanides, on *Hullin*, 24, who quotes Rabbi Natronai's Responsum given in סר"צ, 110 a. A MS. of the אר"ה in the Sulzberger Collection of the Jewish Theological Seminary of America, contains not only the corrupt text in the edition, but רמ"ב instead of רמ"ג besides!

¹ Perhaps nothing but another way of writing קימי.

In the first place, it is settled that David ben Judah was Exilarch in 833. Sherira and other sources¹ are unanimous on this point. After him, and before Ukba ruled, there were two Exilarchs, Natronai and Hisdai, the son of Natronai². According to Halevy, the rule of these two Exilarchs together could not have exceeded twelve years, for in 845, the date of the Suran Gaon Kohen-Zedek, he says, Ukba was in the thick of a conflict with the Sura Academy. Considered by itself, this brief period is not a probability, but the assumption is stamped as an impossibility by the fact that we meet with the Exilarch Hisdai as an active participant in affairs as late as the Gaonates of Natronai and Amram³. This disposes of the possibility of a dispute between Ukba and Kohen-Zedek of Sura.

From the premise set up by Halevy, that the quarrel between the Exilarch and the Academy was caused by the revenues from Khorasan, appropriated without warrant by Ukba, it follows, he says, that the encroachments of the Exilarch brought him into conflict with Sura, and not with Pumbedita, as Khorasan is in the neighbourhood of Bagdad, the judicature of Sura. An elementary atlas might have taught Halevy that Khorasan lies only about 800 miles to the east of Bagdad!

As a matter of fact, the case is precisely the reverse of its statement by Halevy. Originally, the sources of

¹ Comp. Graetz, *Geschichte*, V³, 389.

² Dukes in *Ben Chananjah*, IV, 141-2, from a MS. Responsum by Rabbi Zemaḥ ben Solomon, chief judge of the court of the Exilarch Hisdai.

³ Ibn Gama, in Graetz, *Jubelschrift*, 17, names Rabbi Nathan ben Hananiah (comp. above, p. 32) of Kairwan as the correspondent of Rabbi Natronai, and he is the same Rabbi Hananiah to whom was addressed the Responsum, mentioned above, by Rabbi Zemaḥ under the Exilarchate of Hisdai. As the sons of Rabbi Nathan were contemporaries of Rabbi Saadia (928) (comp. above, p. 32), he could not have flourished before the Gaonate of Rabbi Natronai (850), and the letter of Rabbi Zemaḥ must date from the period during which the Sura Gaonate was vacant, probably between Rabbi Malka and Rabbi Hai ben Nahshon, about 888; comp. Sherira, 39, 17.

revenue assigned to the Exilarchate and to the Sura Gaonate were limited to Babylonia and the nearest Persian provinces. The Academy at Pumbedita, which attained to equality with Sura at a comparatively late day, had to content itself with revenues gathered in the more remote provinces. The only possible inference then is that Khorasan, situated at a considerable distance, belonged to the parish of Pumbedita.

The peculiarity of Halevy's method is again illustrated by his opinion that Nathan confuses the Gaon Hai ben Nahshon with the celebrated Hai ben Sherira—and then calls him Hai ben Kiyumi. But how is it conceivable that that ignoramus Nathan, who mixed up the Geonim of Sura with the Geonim of Pumbedita, who had not the slightest knowledge of the happenings in the Academies, nor of the relation of the Academies to the Exilarchate—how is it conceivable that he should have hit upon so obscure a name as Kiyumi, he who was not even acquainted with Sherira?

In the earlier portion of this Introduction certain facts were set forth testifying to the credibility and trustworthiness of Nathan. We shall now pursue this subject further. The introductory words of Nathan's account, "What he himself partly saw and what he partly heard in Babylonia, relative to the Exilarch Ukba," are a good recommendation for the author. A gossip or a vagrant scribe would not have used this circumspect clause. His exactitude in the description of the vicinity of Bagdad displays itself particularly in the Arabic version, as Dr. Friedlaender shows in the above-mentioned article. A writer who is acquainted with the name of a mistress of the Persian king in whose honour a fountain had been erected centuries before, does not impress one as likely not to know the leaders of his nation at his own time, at least by name.

As to what Nathan's time was there can be no doubt. In the Arabic version of his report he speaks of Natira, "the father of Sahl and Ishak," showing that he lived after

the death of Natira, but contemporaneously with the sons of Natira. Accordingly, he had not been an eye-witness of the dispute between Ukba and the Academies, in which Natira was the chief figure, or he was too young at the time to carry personal recollections of it away with him. On the other hand, not only was he an eye-witness of the quarrel of Saadia with the Exilarch David, he was actually present when David entered upon his office in 920. Nathan's minute description of the ceremonies at the installation of an Exilarch—he goes so far as to give in detail the exact height and width of the throne used by the Exilarch on the occasion—admit of no doubt as to his having been present and seen such a celebration, and it could have been only at the induction of David into office, as Nathan expressly calls him the last of the Exilarchs. This offers us, not only a *terminus a quo*, but also a *terminus ad quem*. A Genizah fragment, published by Dr. Cowley in the *J. Q. R.*, XVIII, 402, gives the information that the Exilarchate, vacant since the death of David, was filled again in 953. Nathan therefore must have written his account before 953. As, on the other hand, he mentions Aaron Sargado as Gaon of Pumbedita¹, who entered upon office in 943, Nathan's account must have been composed between 943 and 953.

¹ Halevy, 276, doubts the identification between שרגאדו ב' mentioned by Nathan and Rabbi Aaron ben Joseph, Gaon of Pumbedita, though all of seven years before the publication of Halevy's book, Harkavy had published, in זכרון לראשונים, V, the polemics of Rabbi Aaron against Rabbi Saadia, whence the identity of the two appears unmistakably! The name ב' = ב' (comp. *J. Q. R.*, XI, 127) occurs in so early a document as one dated 750, *J. Q. R.*, XVII, 428. From the fact that Rabbi Nathan knew no Exilarch after David ben Zakkai, it follows that his account actually ends with the passage on Sargado. By homœoteleuton the passage on the Gaonate of Rabbi Hananiah dropped out at the end of the report. The reading should be: ונשפר ומלך אחריו חגיגה בן ר' יחזקיה ה' שנים ומחצתה נשפר ומלך The various texts of Rabbi Sherira's Letter also show signs that passages have been dropped from it in this way. Frequently the names of the Geonim and the length of their official term are missing, due to the fact that the sentences between two נבריה were overlooked by the copyist; comp., for instance, ed.

The question as to who deserves more confidence, Sherira or Nathan, may therefore not be decided, as Graetz does, in favour of the latter, on the ground of his having been closer in time to the occurrences described, for, as now appears, they were contemporaries. One must agree with Halevy, who insists that a Gaon, son and grandson of Geonim to boot, must invite greater confidence than an unknown writer. But if the two accounts are read with a critical eye it will appear that they mutually complement, and in no wise contradict each other.

THE LAST CONFLICT BETWEEN THE EXILARCHATE AND THE PUMBEDITA GAONATE.

The controversy between Kohen-Zedek and Ukba broke out, according to the Arabic version¹ of Nathan's account, in the fourth year of Kohen-Zedek's Gaonate. If we remember that even according to Sherira he was appointed as Gaon by the Exilarch in the year 918, then the year 922 would have to be designated as the beginning of the dispute. A point to be noted is this, that Sherira makes Kohen-Zedek to be put into office by the Exilarch David, while, according to Nathan, Ukba was Exilarch at the time. However, the Sherira text is very doubtful in this portion. Most of the editions mention David's name three times in connexion with the Gaonate of Kohen-Zedek, but Wallerstein has it only once². Moreover, this

Wallerstein, 20-1. Therefore, the omission of Rabbi Hananiah's Gaonate in Nathan's narrative proves nothing derogatory to the authenticity of the narrator, as Halevy holds (275-6), but only to the correctness of our text. In Harkavy, 215, Rabbenu Hai is described as the son of Rabbi Hananiah, which, naturally, is due to homœoteleuton. The words between ארוננו and ארוננו dropped out. If Rabbi Sherira's text regarding the length of Rabbi Zemaḥ ben Kafno's term of office is correct, then we should read שנה י"ח חרשים in Nathan.

¹ The Hebrew version has the fortieth year, which is absolutely out of the question.

² I am indebted to Dr. Alexander Marx for the information that the Vienna MS. of Rabbi Sherira's Letter agrees with Wallerstein.

passage in Sherira's Letter offers a great difficulty in the nature of the facts set down. The Academy, it says, appointed Rabbi Mebasser the successor to Rabbi Judah, while Kohen-Zedek was the choice of the Exilarch, and the conflict between the Academy and the Exilarch lasted five years (923). Finally, the Exilarch recognised the Gaon chosen by the Academy. But Sherira goes on and says that Kohen-Zedek, with his adherents, persisted in their schism until the death of Rabbi Mebasser, in the year 926.

One would search vainly for a similar occurrence during the whole course of the Geonic time—an individual opposing the choice of both the Academy and the Exilarch. If Kohen-Zedek, as Sherira is supposed to say, was put up by the Exilarch as Gaon against the will of the Academy, then it would seem inevitable that the victory of the Academy over the Exilarch, when he finally confirmed the choice of the Academy, would cut the ground from under the feet of Kohen-Zedek. How account for the continued opposition by Kohen-Zedek?

In several other respects the occurrence is unique. It is the only case in which the Academy emerged triumphant from a contest with the Exilarch about an appointment to the Gaonate. In all other cases the Exilarch maintained the upper hand. And yet it cannot be said from what we know about him that David was a weakling. A man who was able to hold his own in opposition to Saadia and all the prominent men connected with Saadia who had influence at the court of the Calif, should meekly declare himself overcome by Rabbi Mebasser!

It now behoves us to view Sherira's statements in the light afforded by the facts reported by Nathan. From an incidental remark of Nathan's we learn that Kohen-Zedek was related to Ukba, and we even learn that this relationship was the reason why he opposed the appointment of David later on as Exilarch. This supplies the motive for a quarrel between Ukba and the Pumbedita

Academy—he urged the appointment of a relative, Kohen-Zedek, while the Academy installed as its chief Rabbi Mebasser, whose father had occupied the Gaonate. Then Ukba sought to make the most of the schism in the Academy, and seized upon the revenues from Khorasan, in the hope that there was no need to apprehend obstacles on the part of “his” Gaon. But it turned out to be a case of reckoning without one’s host. Kohen-Zedek was too conscientious and honest to sanction such high-handed measures. Some Jews of influence at the court of the Calif managed to cause the banishment of Ukba, and the Exilarchate remained vacant some years. But blood is thicker than water, and with Kohen-Zedek the feelings of kinship were further stimulated by the recollection of the fact that he owed his position as Gaon to this relative of his who was deprived of his office. Therefore, he could not make up his mind to acknowledge David as Exilarch. He, and along with him probably a large number of distinguished men, hoped it would prove possible to induce the Calif to revoke the edict of banishment issued against Ukba. But David had no sooner been installed as Exilarch by one part of Jewry than he hastened to conclude peace with the Academy at Pumbedita and acknowledge the Gaon Rabbi Mebasser chosen by it.

This explains what Sherira says, that the reconciliation between the Academy and/the Exilarch took place in 923. David lost no time in making amends to the best of his powers for the unwarranted interferences of his predecessor. But the peace thus concluded exerted no influence upon Kohen-Zedek and his followers. They refused to recognise David as Exilarch, and persisted in their opposition to him and Mebasser. According to Nathan, this opposition of Kohen-Zedek ceased only three years later, in 926. But from Sherira we learn that this was the year of Rabbi Mebasser’s death, when all parties acknowledged Kohen-Zedek as Gaon.

Here Sherira furnishes us with the motive for the reconciliation between Kohen-Zedek and David, of which Nathan gives us no hint, and which he seeks in a miracle in the real sense of the word¹. But it is unnecessary to impose a tax upon our credulity. Kohen-Zedek no longer had any reason for opposing David. His position as Gaon was now assured. And to bring about complete unanimity between Sherira and Nathan we have but to cross off the little word דוד in Sherira's Letter, 40, 18. The text then reads: והות פלונתא דרבנן דמתיבתא איכנפו . . . וקרייה למר רב מבשר נאון . . . ונשיא קרייה למר רב כהן צדק . . . והות פלונתא עד אלול שנת ר"לג ועברו שלמא דוד נשיא עם מר רב—מבשר—"There was a dispute. The scholars of the Academy, held their meeting and chose Rab Mebasser as Gaon, while the Exilarch [= Ukba] named Kohen-Zedek as Gaon. The dispute lasted until Ellul of the year 233 [= 922], when the Exilarch David concluded peace with Rabbi Mebasser."

There is another possibility—that the beginning of this passage is to be read דוד דוד נשיא, "the uncle of the Exilarch David." Sherira describes Ukba, the deposed Exilarch, as the uncle of David, of whom he had spoken shortly before, and to whom he had to refer again at once. As the last of the Exilarchs and the opponent of Saadia, he could suppose that his name was well known to his readers—a supposition that would not hold good of Ukba. But the copyists, considering דוד דוד as dittography, either omitted the first דוד, as in Wallerstein, or inserted it in the last sentence, before נשיא².

From the beginning of the Ukba controversy until the recognition of David as Exilarch on the part of Kohen-Zedek, about eight years elapsed according to Nathan, the

¹ We may safely assume that the blind נשיא played an important part in allaying the quarrel between the Exilarch and the Gaon, even if we are not credulous enough to accept the miracle.

² It is, however, highly probable that Rabbi Sherira at first spoke only of נשיא (= Ukba), and afterwards, in connexion with the reconciliation with the Academy, properly mentioned דוד דוד, and then the דוד of the second passage was added to the נשיא of the first.

same number of years being occupied, according to Sherira, by the dispute between Rabbi Mebasser and Kohen-Zedek. The only disparity between the two accounts is that, according to Nathan, Kohen-Zedek had been Gaon in 918 for more than four years, while according to Sherira it would be impossible, as it was only in that year that his grandfather Rabbi Judah died, and his death was the occasion for the dispute about the succession. There can be no doubt that the two sources are not in disagreement. We are evidently troubled by a copyist's error. We must put the date of Rabbi Judah's death one year earlier in Sherira, and we must read *כמו שנה*, "about a year," in Nathan (78, 7, below), which was misread as *כמו* [שנה], the *ו* being taken for a stroke over the *ט*. This by reading *ארבעים* for *ארבע*, became *ר' שנין* in the Arabic version.

This assumption is further supported by the variant reading *רי"ז* instead of *רי"ז*, for the year of Rabbi Judah's accession, and as all agree in naming eleven years as the duration of his incumbency, *רכ"ז* results as the year of his death, and not *רכ"ח*. In that case, Kohen-Zedek would have been in office about a year in *רכ"ח*.

THE PREDECESSOR OF SAADIA.

Another difference, at first blush essential, between the two sources, concerns the Gaonate of Sura. According to Sherira, it was filled during the eight years we are now interested in by Rabbi Yom-Tob ben Rabbi Jacob. Nathan, however, names Rabbi Amram ben Solomon as the Gaon at Sura during the same period. The explanation made by Halevy of this portion of Nathan's account we repudiated at an earlier stage. The difference between Sherira and Nathan can be reconciled only by assuming that the Gaon went by two names. There is a precedent for this. Rabbi Yom-Tob had a celebrated predecessor in the presidency of the Sura Academy, who also bore the name Yom-Tob, and after his entrance into office changed it.

I refer to Rabbi Tabyomi (=Yom-Tob), the son of Rab Ashi, who was called Mar as chief of the Academy. It is peculiar that Halevy should oppose the identification of Rabbi Yom-Tob with Rabbi Amram on the ground that, although Jews occasionally have two names, a Hebrew and a non-Hebrew, it has never happened that the same man bore two different Hebrew names. Is it conceivable that an historian of the Geonim should write thus, failing to recall that a celebrated Gaon of Sura is called Rabbi Moses in some sources, and Rabbi משרשיה in others? Or is a name with the ending יה less Hebrew than יום טוב? One of the oldest of the Geonim of Sura, Rabbi Shashna, had the name משרשיה engraved on his official seal. So Sherira reports. In connexion with this, it is worth noting that Sherira shortens the name of the Sura Gaon Sar Shalom to Shalom. It is not surprising, then, that he should be tempted to put so long a name as Yom-Tob Amram through the same process of abbreviation, by lopping off the first half. In a much later time the case of Immanuel of Rome forms an interesting parallel to the one under consideration in the Geonic time. In the introduction to his commentary on Proverbs he calls his father Jacob, though elsewhere he appears only as Shelomoh, just as the father of our Sura Gaon is Jacob to Sherira and Solomon to Nathan. The probability is that he owned both names, יעקב שלמה, a combination not infrequently met with in later times¹. There is still another Gaon whose father's name undergoes a transformation in different sources. Rabbi Paltai is introduced as the son of Abaye by Sherira and other authorities, while the author of the שבלי הלקט, 420, calls his father Jacob.

¹ An example in modern times is the "Lissa Rav," who calls his father משה and also יעקב משה. The latter may have received his second name by means of שני השם, in consequence of some severe illness, though it would be rather extraordinary that it should be Jacob, the same name as his son's, an unusual occurrence among the Ashkenazim.

The only problem left unsolved in Nathan's narrative is his statement that the successor of Rabbi Amram ben Solomon and the predecessor of Saadia, in the Gaonate of Sura, was Hai ben Kiyumi, whom he describes as "the first of his generation," and as occupying the Gaonate for twenty years, until his death. As a period of twenty years is out of the question here, and as כ and ב are letters easily confounded, Graetz proposes to read כ instead of ב, so giving Hai ben Kiyumi two years as president of the Academy instead of twenty. The objection made by Halevy to this emendation of Graetz cannot be taken seriously. "How," exclaims Halevy, "is it possible to read כ in this passage? How could the writer [Nathan] have been betrayed into the error of calling one 'the first of his generation' who officiated only two years? Can a man become the first of his generation within two years?" It is difficult to maintain one's gravity with such reasoning. Does Halevy suppose any one would think of suggesting that Rabbi Hai was called to the Gaonate as an infant in arms? Nathan remarks that Hai received his exalted office as the first, the most distinguished, scholar of his time, and what more natural than such a remark? Whether Rabbi Hai, a contemporary of Rabbi Saadia, deserved the title ראש הדור cannot be determined after the lapse of time, but Nathan surely had as good a right to apply it to Rabbi Hai as many a modern author of Rabbinical works has to call two and sometimes three of his endorsers, on one and the same page, ראש כל בני הנולה.

For the rest, this Hai apparently was not an insignificant personage. Saadia did not consider it beneath his dignity to quote him. Rabbi Isaac, of Vienna, in his אור זרוע, I, 197 a, top, cites an explanation with the words ורב סעדיה גאון פי' בשם רב היי גאון. As both Rabbi Hai ben David and Rabbi Hai ben Nahshon were not living at Saadia's arrival in Babylonia, it could have been no one but this Hai, who, according to Nathan, died shortly before the appointment of Saadia, and, as

we know now¹, Saadia lived in Babylonia for a time before he was chosen Gaon. In this period he must have made the acquaintance of Hai ben Kiyumi, who accordingly does not owe his existence to the ignorance of Nathan, as Halevy would have us believe.

It is easy to surmise why this Hai is not mentioned by Sherira, if one but scrutinises the words used by Nathan. The remark introducing him, "he was the first of his generation," yields the desired explanation. After the death of Amram ben Solomon, or, to call him by the name Sherira uses, Yom-Tob ben Jacob, Sura possessed no dominant personality worthy to act as his successor in the Gaonate. Rabbi Hai was "the greatest scholar of *his circle*," and as such he presided over the Academy, if not as Gaon, at least as the leading spirit. It was on his death that the Exilarch was forced to entrust the office to the alien Saadia. That is the meaning of the sentence והוא היה ראש דורו באותו זמן ונהג ישיבת סורא. Sherira, who enumerates only the Geonim, had no occasion to mention Rabbi Hai ben Kiyumi, who was not a Gaon. He was content to dispose of the couple of years of his activity as vice-Gaon as the time when the life at Sura was at its lowest ebb.

THE CHRONOLOGY OF THE GEONIM.

We have reached the end of our investigation, which has resulted in a brilliant vindication of Nathan. We might stop here, except that it is proper to acknowledge the fact that the dates used here for the terms of the office of the Geonim were taken from the table contributed by A. Epstein to the *Jewish Encyclopedia*, s.v. "Gaon,"

¹ This follows from the letters in the Ben-Meïr Controversy, the correspondence relating to which can now be examined in its entirety in Sokolow, ס' היובל, 19-189. It is noteworthy that while Rabbi Sherira leaves the impression that Rabbi Saadia was called from Egypt to the Gaonate, Rabbi Nathan properly represents Rabbi Saadia as being in Babylonia when the call came to him.

though I was well aware that, in spite of the extreme care taken in compiling it, it must remain inaccurate in some details, because it is based mainly on Sherira's Letter, of which we are not yet fortunate enough to possess an unexceptionable text, and Sherira himself is not blameless of errors and inaccuracies, especially in connexion with the older chronology.

How careful one should be in such matters is illustrated by the following: In a long inquiry, extending over several pages (pp. 240-41, 248), Halevy endeavours to prove that Rabbi Zemaḥ ben Paltoi occupied his office, not nineteen (י"ט), but nine (ט) years. Halevy's trouble was in vain. The great-grandson of this Gaon, Rabbi Hezekiah ben Samuel, ר"ש סדר, writes in 953¹, in explicit words, that Rabbi Paltoi and his son Rabbi Zemaḥ officiated "about forty years." From this there can be but one inference, that Zemaḥ was in office at least nineteen years, which, added to the sixteen years of his father's incumbency, amounts to thirty-five, the "about forty years" of his great-grandson.²

In the discussion of the point whether Rabbi Samuel Resh, Kalla, the great-grandfather of Rabbi Sherira, is identical with Rabbi Samuel Resh Kalla, the teacher of Rabbi Aḥa of Shabḥa, Halevy seems to find no particular difficulty in the fact that the latter flourished about the middle of the eighth century, while Rabbi Judah, the son of the other Rabbi Samuel, died as late as 918, for Halevy implies that this Rabbi Judah attained to the age of one hundred and thirty years. Sherira reports that the secretary to the Gaon, Rabbi Joseph (814) was ראבי אבי נאון וראבי אבינו, which, according to Halevy's interpretation, means that Rabbi Judah, who died in 918, occupied, in 814, the high office of secretary to the Academy, and as it is not likely that so important a position—Sherira tells us that the secretary to Rabbi Joseph managed the whole business of the Academy—would be entrusted to a man

¹ *J.Q.R.*, XVIII, 401; on the writer of the letter comp. above, p. 7, n. 1.

² Comp. *Kiddushin*, 12 a : קרוב לאלפים.

under twenty-five, we must fix the year of his birth at about 790. It is superfluous to defend so serious an historian as Sherira against the charge of imbecility involved in attributing such statements to him. The sentence quoted means nothing but this, that "the grandfather of the Gaon, who was my grandfather, was the secretary to Rabbi Joseph¹." Accordingly, not Rabbi Judah, but Rabbi Judah's grandfather, and the father of Rabbi Samuel Resh Kalla, was the secretary to Rabbi Joseph, and this fits the dates naturally, without the wrench of a miracle. Rabbi Judah, who died in 918, was probably born about the middle of the ninth century, and his grandfather was a personage of importance as early as 814.

The Geonic period is thus the poorer by two miracles: neither Rabbi Samuel nor his son Rabbi Judah lived beyond the age of Moses. But their descendant Sherira is the gainer in his reputation for truthfulness. Accordingly, when Rabbi Sherira speaks of the Gaon Rabbi Abba ben Ami (869) as *בן בנו של מר רב שמואל*, we may not, in imitation of Halevy, impute to him the absurdity of meaning that he is a grandson of Rabbi Samuel, who acted as Gaon in 733. Sherira designates him as a "descendant" of this Gaon².

¹ Rabbi Sherira did not care to say *וקמי הגאון*, because his maternal great-grandfather, Rabbi Zerah, had also been a Gaon, and the expression *וקמי* might have been applied to him. Also in the letter in *J. Q. R.*, l. c., *אבי אבי אבי* is used for a similar reason.

² Comp. also Rabbi Sherira, 36, 4, below, *בני בניו של אמימר*, naturally not grandchildren, but descendants. Halevy should not have permitted himself to forget the Halakah: *בני בניו דרי דם כנייה*.

II.

THE HALAKIC LITERATURE OF THE GEONIM.

HALAKAH THE MAIN FEATURE OF GEONIC LITERATURE.

ALL the literary products of the Geonim bear the marks of a transition period. The הלכות גדולות can equally well be considered [an epilogue to the Talmud as a precursor of Maimonides' *Yad*.] In an appraisal of the literary achievements of the Geonim, the double character of the influence at work in their day must be borne in mind. On the one hand, it was the time in which the [text of the Talmud] was fixed, and the [Targumim and Midrashim received their final redaction] and, on the other hand, a beginning was made in the study of the Hebrew language, in Jewish philosophy, and in various other branches of literature and science that attained to full development in a later period, the so-called Rabbinic period.

However, though poetry and philology, Targum and Midrash, mysticism and philosophy, were all represented in the time of the Geonim, the Geonic literature *par excellence* is after all Halakic in character and purport. Rabbi Saadia is one of the fathers of Bible exegesis and Hebrew grammar, and he may with propriety be called the earliest Jewish philosopher—Philo was a Jew and a philosopher, but hardly a Jewish philosopher. But Saadia's many-sided effectiveness cannot be put to the account of the Geonim. If he was a notable grammarian, a pioneer philosopher, an original exegete, it was not because he was a Gaon, but in spite of having been a Gaon. Even after the decay of the Palestinian Academies, it was in the Holy Land that the study of the Bible and the cultivation of

the Haggadah were carried on zealously¹. The Masorah is a product of Palestine in the time we are considering, the greater number of the later Midrashim originated there, and there also we must look for the beginnings of the *Piyyut* and of neo-Hebraic poetry. But when we come to the field of the Halakah, we must turn to Babylonia, whose Jews occupy the leading place as Halakists. The rivalry of old standing between the Palestinian and the Babylonian scholars was decided by the work of the Geonim once for all time in favour of the eastern centre. The Babylonian Amoraim created a Talmud; the Geonim made of it "The Talmud." Even the Palestinians acknowledged its authoritativeness². The historical importance of the Geonim may be summed up in this expression: They transformed a textbook into a code, and their literary activity was limited almost exclusively to the exposition and codifying of the Talmud.

THE IMPULSE TO GEONIC LITERARY ACTIVITY.

It is difficult to determine the date from which to reckon the beginnings of Geonic literature. The works preserved to us originated as late as the second half of the eighth century. But it is more than probable that written notes of the older Geonim, as well as their oral teachings and traditions, were embodied in the works of their successors³. For instance, the important decision given in ה"ג, 108 a (ed. Hildesheimer, 442), relative to the wording of a docu-

¹ The greater number of the so-called קטנות מס' are, it is true, Palestinian, but only their final redaction falls within the Geonic time. The works proper belong to the Tannaitic-Amoraic period. The מס' שירים, published by Schönblum in his שלשה ספרים נבחרים, Lemberg, 1877, is likewise pre-Geonic in its main contents. Rabbenu Hai, רש"י, II, 40, and ה"ג, 189, quotes a Halakah as a ברייתא דהלכות שירים, which is found literally in מס' שירים. מס' שירים alone is a Palestinian Halakic work of the Geonic period, but the author was familiar, not only with the Babylonian Talmud, but also with the Babylonian customs of his day. He must have spent some time in a Babylonian Academy as a student.

² Comp. above, p. 4, n. 1.

³ Comp. ה"ג, 46 : שושי וריאסן = אשכול, II, 53.

ment manumitting a slave, is cited literally by Hai, but not from this source. He introduces it with these words¹: דבר זה כתבוהו ראשונים אחר אחר במגילת סתרים שכות' בה זכרונות—שמועותיו לעצמו משום ראשוני ראשונים קודם למר רב יהודאי גאון ז"ל—“Thus wrote the former scholars, each in his secret roll, in which they recorded, for their own use, many teachings originating with the authorities of remotest times, who lived before Rabbi Jehudai.”

Another passage in ה"ג, 96 b (ed. Hildesheimer, 387-8), is quoted by Rabbi Sherira, but again not from this source². He says: נקיטי רבנן פירושא דרבנן סבוראי דבחר הוראה—“The scholars have the following explanation [of this passage] as a tradition of the Saboraim, who lived after the redaction of the Talmud.”

A third passage in ה"ג, 21 a, is quoted thence by Rabbi Hai, but he adds³: רבואתא דבחר רבנן סבוראי פרישו להו—“The great men who lived after the Saboraim gave this explanation.”

What Rabbi Hai tells us regarding “secret rolls,” for the private use of their owners, may help us to form an idea of how Geonic literature originated and developed. When the exigencies of the time made it absolutely necessary that the Talmud be put into tangible, permanent shape, the prohibition against committing the Law to writing was still not abrogated. It was merely limited in its application to all productions except the Talmud: it alone was exempt. However, here and there a disciple of the early Geonim transgressed the regulation and indulged himself to the extent of keeping a “secret roll” for his own private use, and recording there the dicta of his teachers which he desired to safeguard against oblivion. Therein the disciples of the Geonim followed the example of their Talmudic predecessors. But of actual literary

¹ Albargeloni, ה'שצורה, 126.

² Halevy, 180, did not remember that this passage occurs in ה"ג.

³ Rabbenu Nissim, on *Shabbat*, 12 a; comp. Halevy, 181.

activity there was none. The impulse to produce in the real sense was supplied later, when the Geonim became the leaders of the Diaspora, and they were addressed by Jewish communities, remote and outlying as well as near by, for decisions on practical questions and for explanations of difficult Talmud passages. But the Gaonate as an institution vested with authority dates, as we have seen, from the second third of the seventh century. Before its first hundred years of institutional activity had elapsed, necessity, having first limited the application of the command against committing the Law to writing, gradually abrogated it entirely¹.

The Responsa are more than the beginning of Geonic literature. They are at the same time its most important department. The phrase current in Rabbinic literature, "the Geonim say," or "the Geonim write," means one thing only, "this is to be found in a Geonic Responsum." But as their Responsa possess value collectively, in relation to the period as a whole, rather than individually, as indicative of the mental calibre of one or another author, it seems desirable, before dealing with the Responsa, to consider the Halakic-Talmudic productions of the period.

RABBI AḤA, OF SHABḤA.

The oldest work of the Geonic time are the *She'iltot* "Discussions²," by Rabbi Aḥa, of Shabḥa. Of the author nothing is known except that he left Babylonia about the middle of the eighth century, and settled in Palestine.

¹ Comp. below, pp. 97-8 and 119-20.

² That שאלות means not "questions," but rather "discussions," was first maintained by Müller, *Briefe und Responsen*, 31, note 62, and this view is justified in detail by Mendelsohn in *R. É. J.*, XXXII, 56 et seq. The latter makes no mention of Müller. As to the relative age of the *She'iltot* and the ג"ה, see below, pp. 98 and 106. In beginning the discussion of the Halakic literature of the Geonim with the *She'iltot*, I follow the accepted order. My own opinion is, as I show further on, that the nucleus of the *Halakot Gedolot* goes back to an earlier age than the *She'iltot*.

There was a reason for his emigration. In filling the Gaonate of Pumbedita the Exilarch had passed him by, disregarding his claims upon the office, paramount claims by reason of his position and his scholarship.

Rabbi David of Estella, in the Provence, who lived at the beginning of the thirteenth century, speaks of works written by the Gaon Rabbi Shashna. If his statement rests upon a valid tradition¹—Estella confesses that he himself was acquainted with no works by this Gaon except Responsa—we should have to remove the initial date of Geonic literary activity to about a century earlier than accepted facts have hitherto warranted, for the Gaon of Sura, Rabbi Shashna, also called Rabbi Mesharshia ben Tahlfifa, occupied his office before 689. Unluckily, we cannot put implicit trust in Estella's assertions, as is shown by the other information he gives us about Rabbi Shashna. He describes him as "the Gaon ordained during the lifetime of Rabbi Aḥa, of Shabḥa, who was passed over at the appointment." What probably happened was that Estella wrote that נטרוניא received the Gaonate instead of Rabbi Aḥa, and then he confounded this Natronai with the celebrated Gaon Natronai ben Hilai, the author of a number of Responsa and supposed author of a Halakic compendium². In addition, a copyist twisted נטרוניא into ששנאי. The next statement made by Estella, that Rabbi Aḥa lived after Rabbi Simon קיירא³, he derived from Rabbi Menahem Meiri⁴, who in turn took it from the chronicle of Rabbi Abraham Ibn Daud. RaBeD, who had a very corrupt text of Rabbi Sherira's Letter before him, may have based his statement upon the passage about Rabbi Samuel, 33, 2, below. The unusual name, מר רב מר, together with the

¹ A Kabbalistic author of the fourteenth century mentions a שיסנא, *Z. H. B.*, XII, 51. Is it a fictitious name? ² Comp. below, p. 119.

³ The origin as well as the pronunciation of this name is very doubtful. With Kahira it certainly has nothing to do.

⁴ Meiri's statements about the Geonim are full of errors, as proved below, p. 89.

unusual geographical designation ראיקרי, which, as we have seen¹, was misunderstood even in modern times, was "emended" to read וביומי רב ש' רקירא. This supposed passage of Sherira's is translated into Hebrew by RaBeD, who, after mentioning the Gaonate of Rabbi Samuel ben Mari, as he calls him, adds the words ר' שמואל זה וביומי ר' שמעון קירא (63, 6).

Accordingly, there is no good reason for removing Rabbi Aḥa from the place conceded to him as the earliest Halakic author after the close of the Talmud. But if the time of Rabbi Aḥa remains as before, the scene of his literary activity is open to question. Palestine and Babylonia each urges its claim upon the *She'eltot*. Though the work is based exclusively upon the Babylonian Talmud, and the Palestinian Talmud is absolutely ignored in it, yet it is certain that Rabbi Aḥa did not compose his book until after he had settled in Palestine, whither he went when the Exilarch, for personal reasons, installed Rabbi Natronai, the secretary of Rabbi Aḥa, as Gaon of Pumbedita. Halevy is no less convinced (pp. 132, 211-13) of Rabbi Aḥa's having written his work before leaving Babylonia than he is of his having drawn upon the Palestinian Talmud in writing it, in the use of which source, he maintains, Rabbi Aḥa was like all the Geonim—they all knew it². I hope to treat

¹ Comp. above, p. 49.

² Halevy's remark on Rab Amram's relation to the *Yerushalmi* is characteristic. In ג"ל, 58, we have Rab Amram's Responsum addressed to the scholars of Barcelona, who were led to speak of a *Yerushalmi* passage in their question, because its relation to the *Babli* was not quite clear to them. Rab Amram writes: "And the dictum of the *Yerushalmi* similar to this [of the *Babli*] which you quote, is not known to us." Ergo, reasons Halevy, it can be seen that the *Yerushalmi* was disseminated everywhere! If this passage proves anything, it is an endorsement of Rapoport, Frankel, and Schorr, against whom Halevy directs his polemics. Their view is that the Babylonian Geonim did not know the *Yerushalmi*, but it was studied by the scholars of the מסרה, that is, of Spain and especially North Africa. Also Halevy ignores the fact that this Responsum is not really by Rab Amram, but by Rabbenu Hai, to whom it is ascribed in ס"ט, 119, by Albargeloni, ח' הרי"ט, 212, and by Nahmanides, מלחמה, *Pesahim*, X, 3.

elsewhere of the relation of the Geonim to the *Yerushalmi* in detail. Here I shall confine myself to the discussion of this one point, whether or not it was used in the *Sheëltot* ¹.

THE SHEËLTOT AND THE YERUSHALMI.

Halevy believes he has found two quotations from the *Yerushalmi* in the *Sheëltot*, enough to decide the question in his mind. But a superficial examination of the passages suffices to show that resort to the *Yerushalmi* is precluded. In *Yer. Bezah*, I, 60 a, the inference is made from the three superfluous words, הוא לברו . . . א, in Exod. xii. 16, that, although the preparation of food is permitted on holidays, it is forbidden to reap, grind, and bolt. Each superfluous word points to a prohibited form of work. The passage in the *Sheëltot*, I, 158-9, supposed to correspond to the *Bezah* passage, reads: "Even work necessary for the preparation of food is permitted only if it is of a sort habitually done on the same day, such as slaughtering, baking, and cooking, but grinding and bolting, which can be done before the holiday, may not be done thereon, for the Scriptures (Exod. xii. 16) excluded them, saying, 'that only,' cooking, baking, and the like, may be done ²."

While the *Yerushalmi* specifies three definite kinds of work excluded by the use of three superfluous words in the Scriptures, Rabbi Aḥa deduces a principle, applicable to all work connected with the preparation of food. This principle he finds implied in the לברו, "that only," of the Scriptures, excluding all kinds of work which as a rule are performed days before the food is prepared for the table in the restricted sense. So fundamental is this difference between the *Sheëltot* and the *Yerushalmi*, that even if it were impossible to trace Rabbi Aḥa's real source,

¹ On the relation of the *Sheëltot* to the *Yerushalmi*, see the articles by Dr. Poznański and Dr. Kaminka, in the Hebrew periodical הַקָּדָם, I, which appeared while this book was going through the press.

² Comp. also *Sheëltot*, CVII, 143.

we might still be sure that he was not deriving his support from the *Yerushalmi*. Fortunately, we are now able to assert that his source was the *Mekilta de Rabbi Shime'on*, 17, where his statement is found verbatim. Dr. Hoffmann, the learned editor of the *Mekilta*, would probably not have attempted the correction of the text according to the *Yerushalmi* if he had had the passage in the *She'iltot* in mind. This *Mekilta*, designated by Rabbi Hai Gaon in Harkavy, 107, as סיפרי רבי רב, in contradistinction to the *Mekilta of Rabbi Ishmael*, which he calls "the Palestinian," was naturally well known to the Babylonian Rabbi Aḥa, and as he not infrequently made use of the other Halakic Midrashim, his resort to the *Mekilta de Rabbi Shime'on* in the passage under examination calls for no remark. Of course, there is no intention of denying that a close connexion exists between the *Mekilta* passage and Rabbi Hezekiah's dictum in the *Yerushalmi*. Rabbi Hezekiah modified an old Halakah in accordance with his own general system. The old Halakah, as given in the *Mekilta*, forbade all work connected with the preparation of food which as a rule is not done on the day on which the food is consumed. Illustrations are adduced—reaping, grinding, bolting. These and such as these are not permissible, the prohibition being indicated by the word לברו in the Scriptural passage. Rabbi Hezekiah, a consistent representative of the school of Rabbi Akiba¹, who, took the particles אך and הוא as "exclusives," conceived the three sorts of work mentioned, not as illustrations of a general principle, but as an exhaustive enumeration of specific cases, finding a justification therefor in the three Scriptural words, לברו, הוא, and אך.

The other *Yerushalmi* quotation found by Halevy in the *She'iltot*, XXIII, 69, requires mere collation of the two passages to demonstrate how untenable his con-

¹ See the discriminating remark made by Epstein in סקדמותה, 53 et seq.

tention is. Rabbi Aḥa writes: וכי שרי ליה לימא ליה שרי . . . לך מחיל לך ואי אמר ליה מופר לך מובטל לך לא אמר כלום. In *Yer. Nedarim*, X, 42 a, we read: חזקן שאמר מופר לך בטל . . . לך לא אמר כלום. . . והזקן אומר אין כאן נדר אין כאן שבועה. If Rabbi Aḥa had actually used the *Yerushalmi*, it would be inexplicable why he made so decided a change in the formula for the absolution from vows by a scholar, התרה הכה. Halevy permitted himself to be misled by a marginal note by Rabbi Isaiah Berlin on the *Sheḥḥtot*, referring to the *Yerushalmi* passage. In reality, Rabbi Aḥa reproduces the wording of the *Babli Nedarim*, 77 b, where הִפְרָה בְּעַל לך מופר לך בטל is given as the usual formula for the absolution.

The attempts made by Reifmann, in the *Bet-Talmud*, III, 52-3, to prove Rabbi Aḥa's use of the *Yerushalmi*, are by far more serious and painstaking. Nevertheless, his conclusions are hasty. Scrutiny reveals that not one of the five passages adduced by Reifmann, in support of his opinion that the *Sheḥḥtot* drew upon the *Yerushalmi*, can be said with certainty to have been taken by Rabbi Aḥa from the Palestinian Talmud. His words in I, 2, of the *Sheḥḥtot*, regarding Sabbath garments, agree literally with *Pesikṭa R.*, XXIII, 115 b, and not with *Yer. Pe'ah*, VIII, 21 b, top, an agreement to which Friedmann in his notes on the *Pesikṭa* called attention¹. It is therefore more probable that Rabbi Aḥa used either the *Pesikṭa* or one of the sources of the *Pesikṭa*, than that he used the *Yerushalmi*. Weiss's statement, 25, note 6, that the *Pesikṭa* is younger than the *Sheḥḥtot*, is not a serious objection. Whatever may be its age in its present form, no one entertains a doubt that a very considerable portion of the *Pesikṭot* is as old as the Talmud.

The opinion of Rabbi Aḥa (XLVII, 146), that the reason

¹ Comp. also Buber, *Bet Talmud*, III, 210, who entertains the same opinion as Friedmann, though he does not name him. However, this passage in the *Sheḥḥta* does not seem to have belonged to the work in its original form. It is missing in most of the MSS., as may be seen in the first instalment of Dr. Kaminka's *Sheḥḥtot*, Vienna, 1908.

for keeping the Day of Atonement only one day, is that a two days' fast might endanger life, has its parallel, not in the *Yerushalmi* alone, *Hallah*, I, 57 c, but also in the *Babli Rosh ha-Shanah*, 21 a, where Rabbi Naḥman exclaims against the Palestinian who would have had him fast a second day, "Death will be his (euphemism for 'my') end!"

Jeremiah xvii. 22, is cited by both the *Yerushalmi*, at the beginning of *Shabbat*, and the *Babli*, *Beḥal*, 12 a, as the basis for the prohibition of carrying burdens on the Sabbath. Hence its use for the same purpose in the *She'illot*, XII, 156, proves nothing conclusive as to Rabbi Aḥa's use of the *Yerushalmi*.

The explanation given by the *She'illot*¹, LV, 186, of the *Babli Baba Batra*, 165 a, coincides with the view of the *Yer. Giṭṭin*, IX, 50 c. Nevertheless, Rabbi Aḥa's words are not a quotation from the *Yerushalmi*, but merely an explanation, his explanation, of the *Babli* passage.

That the formula for *בטול חמץ* given by Rabbi Aḥa, LXXIV, 26-7, is not derived from *Yer. Pesahim*, II, 28 d, Reifmann might have deduced from the language. Not only is it Hebrew in the *Yerushalmi* and Aramaic in the *She'illot*, but the Aramaic is Babylonian and not Palestinian. Instead of *חמץ . . . חמירא*, the Palestinians would have said *חמיתא . . . חמיעא*. It is interesting to note, by the way, that in the rituals the formulas vary between . . . *חמירא חמיתא* and *חמיתא . . . חמיעא*. The Palestinian wording of the formula and the Babylonian have come down to us side by side. It should also be noted that the *Yerushalmi* cites the formula on the authority of the Babylonian teacher Rab. Its use by Babylonian Jews can, therefore, be presupposed without assuming that they had to derive it from a source foreign to them. Comp. Ratner, אר"ר, ad loc.

Besides these seven passages enumerated by Reifmann and Halevy, I would call attention to two more, which,

¹ Reifmann, in his essay in the *Bet Talmud*, III, 53, did not know that the *Ṭur Hoshen Mishpat*, 51, meant this *Yerushalmi* passage.

at first sight, would seem to confirm the opinion that Rabbi Aḥa used the *Yerushalmi* for his *She'eltot*. But a closer examination disposes of them as of the others. In contents the sentence in LXXIII, 25¹, . . . לֹא רָרַךְ עֵי הוּא, comes pretty close to the *Yerushalmi* statement in *Hallah*, II, 58 d, top. And yet it need not be supposed that Rabbi Aḥa did not derive his view from the *Babli Shabbat*, 76 b.

The Haggadic reason for the four cups of wine formulated by Rabbi Aḥa, LXXVII, 36, is found in the *Yer. Pesahim*, X, 57 c, top, but also in *Genesis R.*, LXXXVIII. As Rabbi Aḥa's use of the Haggadic Midrashim in other parts of his work is not open to doubt, the probabilities are in favour of his having drawn upon the Midrash rather than the *Yerushalmi* as his source—a likelihood that is strengthened by the fact, that for centuries after Rabbi Aḥa it was still customary to quote Haggadic passages from the Midrashim, even when they occurred in the Talmudim². Moreover, Rabbi Aḥa's book, as a whole, is planned after the model of the Haggadic Midrashim on the Pentateuch, which would argue a natural preference for the *Genesis Rabba* as compared with the *Yerushalmi*.

If, as to the last passage, it must be conceded that our data do not permit us to go beyond the mere supposition that Rabbi Aḥa drew his Haggadot from sources other than the *Yerushalmi*, there can yet be no doubt that the legend which he relates about Artaban and Rabbi, CXLV, 114, is not taken from the *Yerushalmi Pe'ah*, I, 15 d, bottom, but from a Haggadic source, and a Babylonian Haggadic source at that. The passage לעצמו נכנס—occurs neither in the *Yerushalmi*, l. c., nor in the parallel passage in *Genesis R.*, LXXXV, end. In contents it reminds one strikingly of the Babylonian legend about the healing of

¹ The words מִיֵּשָׁה מִיֵּשָׁה מִיֵּשָׁה mean "to mix the chaff with the grain again."

² Rashi, for instance, in his commentary on the Pentateuch, frequently quotes *Genesis R.* and other Midrashim, though he might have found the same passages in the *Yerushalmi*.

the princess by Rabbi Simon ben Yoḥai¹, and linguistically it betrays Babylonian origin by the use of שרה, "she-devil²." The Palestinians knew no female demons, and certainly not the word applied to them by Rabbi Aḥa.

The reference to Ezra x. 8, as the Scriptural basis for the excommunicating power of the court, in the *She'eltot*, CXXX, 45, Rabbi Aḥa did not derive, as might at first sight be supposed, from *Yer. Mo'ed Katan*, III, 81 d. His text in the *Babli Mo'ed Katan*, 16 a, doubtless read ומנלן דמחרמינן דכתיב והוא יבדל מתוך הגולה instead of ומנלן דמחרמינן דכתיב אורו ארו.

The whole detailed discussion of court procedure in the *She'eltot* is taken literally from the passage in the *Babli*, and it would be difficult to suggest a reason for Rabbi Aḥa's resorting to the *Yerushalmi* for a single point, especially as he completely ignores the only new legal aspect presented in the *Yerushalmi*³. The assumption here made cannot be objected to as forced, because we know that Rabbi Aḥa's text of the *Babli* frequently varies from ours, and in the passage under consideration, where our text is manifestly corrupt, the reading offered by him is an essential improvement⁴.

¹ Briefly in the Talmud, *Me'illah*, 17 b; in detail in ה"ג, ed. Hildesheimer, 601-4; and Jellinek, *Bet ha-Midrash*, VI, 128-30. About a Genizah fragment of this legend, see a note by the present writer in the *Z. H. B.*, XI, 127.

² The Biblical שרה was translated by "sedan-chair" in Palestine, and by "she-devil" in Babylonia; *Gittin*, 68 a. The sources enumerated in note 2 (with the exception of the Talmud reference) also use שרה in the sense of "she-devil." The popular belief in Babylonia could not get away from Lilith and the she-devils akin to her. Another noteworthy expression is שרר, occurring in this passage of the *She'eltot*, but in this sense not used in the *Yerushalmi*.

³ The *Yerushalmi* speaks of excommunication for a person who does not obey a summons to court within three days. The *Babli* and Rabbi Aḥa say nothing about the term.

⁴ According to our text, the same used by Rashi, ארו, serves as proof for הרום, which contains curses, but that curses may, in certain circumstances, be employed the Talmud derives from Neh. xiii. 25, where ואקלום is used! Hence there can be no doubt that the correct reading is:

It must be admitted that circumspect care is required in dealing with the Talmud text of Rabbi Aḥa. The passage in the *She'iltot*, LIV, 177, on תִּכְף לִנְטָם בְּרִכָּה, is a striking illustration. In form it is much closer to *Yer. Berakot*, I, 2 d, than to the corresponding *Babli* text, *Berakot*, 42 a. In his learned scholia אהבת ציון וירושלים, 11, ad loc., Ratner does not hesitate to attribute it to the *Yerushalmi* as Rabbi Aḥa's source, and yet it can readily be demonstrated, from the words of the *She'iltot*, that it goes back to the *Babli*. In the first place, the dictum regarding the washing of the hands is attributed to the same Amora, Rabbi Ḥayyah bar Ashi, in the *Babli* as in the *She'iltot*, while in the *Yerushalmi*, Rabbi Ze'ira cites it in the name of Rabbi Abba bar Jeremiah, and these latter personages appeared in the *Yerushalmi* text of the Geonim, as can be seen from the citations in Ratner. But there is a more important difference, the radical difference between the conception of the *Babli* and the conception of the *Yerushalmi*. According to the *Babli*, the Halakah ordains that the washing of hands must be followed at once by the saying of grace after meals, while the *Yerushalmi* holds that another subject is dealt with, the washing of the hands before the meal, to be followed directly by the benediction prescribed for it. We are here not interested in determining which of the two is the correct conception¹. Rabbi Aḥa, however, does not leave us in doubt as to his

מִנֵּן דְּשִׁמְחִין לֵכַל כִּי אֵין דְּמִשְׁחֵי בְּהֵדִיָּה לֵכַל כִּי אֵין רְקָאִים בְּר' אִמְוֹת דְּלִיָּה שֶׁנ' אִוֵּר כִּי אֵין יוֹשְׁבֵי כִּי אֵין אִוֵּר יוֹשְׁבֵי 271, גמ"ר in 271. What the Talmud wanted to derive from the verse is that the great excommunication, דָּרוֹם, forbids all intercourse with the excommunicated. As for the power of the court to decree excommunication, that the Talmud derived from Ezra x. 8, as may be seen from Rabbi Aḥa's text. Comp. also Rabbi Hananel on this passage, the text of which, as he had it, also deviates from ours.

¹ The attempts to harmonise the contradictory statements in the *Yerushalmi* and the *Babli* on this point are futile, in spite of the fact that Rabbi Elijah Wilna countenances them in his commentary on the *Orah Hayyim*, § 166, 2.

opinion in the matter. It accords so entirely with the view of the *Babli*, that every possibility is precluded of tracing his citation back to the *Yerushalmi*. It is true, the Scriptural passages justifying the Halakah are enumerated only in the *Yerushalmi*, which might suggest the idea that, though Rabbi Aḥa espouses the view of the *Babli*, he yet resorts to the *Yerushalmi* for proofs. But this suggestion may be considered disposed of by the fact that the MS. Paris of the *Babli* contains the Scriptural passages in the *Babli*. There is thus no reason why Rabbi Aḥa should have had to resort to the *Yerushalmi*.

A valuable passage for the present investigation is offered by the *She'eltot*, XCVI, 104-5. A case is there discussed which was submitted by Samuel to his friend Rab, but which is not mentioned in the Talmud. In his בעלי הנפש, ed. Berlin, 2d, the RaBeD comments upon Rabbi Aḥa's statement with the words, "I do not know where he found it." But the RaBeD's father-in-law, Rabbi Abraham of Narbonne, in his *Eshkol*, I, 117, gives the *Yerushalmi* as Rabbi Aḥa's source. Whether or not the author of the *Eshkol* had in mind *Yer. Ketubot*, II, 26 c, which contains a statement similar to that in the *She'eltot*, cannot be maintained with any degree of certainty. He may have used, as is frequently done by the old authors¹, ירושלמי to designate some apocryphal source or other. However this may be, that Rabbi Aḥa did not use the *Yerushalmi* passage in *Ketubot* admits of no doubt. His presentation of the case is very much more detailed than that of the *Yerushalmi*, and the peculiarity of Rabbi Aḥa, so far from being a tendency to elaborate a passage, is to condense the Talmudic sources. There is a positive and clinching proof, besides, to show that his source was a Babylonian and not

¹ To this peculiarity Rapoport drew attention in his biography of Rabbenu Nissim, note 39, and in recent times such so-called *Yerushalmi* quotations were collected by Buber, Epstein, and Wolf Rabbinowitz, and published in Lunetz's ירושלים, VII. Rabbi Aaron, of Lunel, אר"ה, II, 179, calls our *Tamid*, *Yerushalmi Tamid*; comp. also below, p. 157.

a Palestinian work. The final phrase, *תנא מיניה ארבעין זמנין*, makes it plain; this expression occurs nowhere but in the Babylonian Talmud¹. Another proof of the Babylonian origin is afforded by the proverb cited, *דליה לרטיבא רפשא*, also a Babylonian locution. Moreover, it appears from a comparison of this passage with *והוהיר*, II, 145-6, that our text of the *Sheëltot* has been considerably shortened²; the author of the *We-Hizhir* had the complete text before him, and as he has it, it could not have been taken from *Yer. Ketubot*, which is by far not so full of details. It is not an impossible supposition that Rabbi Aḥa's text of *Babli Ketubot*, 22 a-b, contained his whole statement, while but a few words have been preserved in our Talmud editions.

PLAN AND PURPOSE OF THE SHEËLTOT.

In spite of all the results attained above, it would still be an over-hasty conclusion to infer that Rabbi Aḥa wrote his work in the years of his life in Babylonia. Internal and external reasons alike militate against this assumption. There are, in the first place, a number of linguistic peculiarities in the *Sheëltot*, which clearly betray the Palestinian origin of the work. With a Babylonian like Rabbi Aḥa, who handled the dialect of his native land with extraordinary skill, they can be explained only as marks left upon his style by the Palestinian Aramaic of his later abode³. Here are some of the idiosyncrasies on

¹ *Ketubot*, 22 b, and six other passages, marked in the margin of the Talmud.

² The application of this proverb becomes intelligible only in the form it has in the *והוהיר*; Brüll (*Jahrbücher*, II, 149-50), who, contrary to his usual habit, has treated this question of Rabbi Aḥa's use of the *Yerushalmi* in a very superficial way, decides in the affirmative, essentially on the basis of this passage.

³ If Rabbi Aḥa actually delivered lectures in Palestine, which seems very probable, the influence of the Palestinian Aramaic is all the more to be expected.

which the assertion just made is based. Rabbi Aḥa uses ¹ מתניתא דילנא indiscriminately for *Mishnah* and *Baraita*, while the Babylonian Talmud is unflinching in drawing a sharp distinction between מתניתין, the *Mishnah*, and מתניתא, a *Baraita*. In this respect, Rabbi Aḥa follows the habit of the *Yerushalmi*, which conveys both concepts by מתניתא. The interrogative pronoun היידיא, an exclusively Palestinian expression, is frequently used by Rabbi Aḥa. Similarly, the introductory formula of many of the *She'iltot*, לאלפא, peculiar to our author, is of Palestinian derivation. In the Babylonian dialect the only permissible forms would be לילפא or לאולופי ². The other formula used by our author, ברם צריך, is also Palestinian; in the Aramaic of Babylonia, ברם is not used at all, and the connotation given to צריך by Rabbi Aḥa also corresponds to its Palestinian rather than its Babylonian meaning ³. In connexion with this linguistic analysis, it must be borne in mind that Palestinian forms of speech were current in official and legal documents. With the customs and regulations which the Babylonian Jews imported from their Palestinian brethren, they borrowed also the language garb in which they were clothed in their original home. From the lexicographical point of view, the Targum Onkelos is the Aramaic of the Babylonian dialect, but its grammatical structure stands the most rigid tests imposed by a correct Palestinian Aramaic. The formulas prescribed by the *Babli* ⁴ for legal

¹ The passages are enumerated by Reifmann, l. c., though he failed to notice that they betrayed Palestinian influence. On this difference between the *Babli* and the *Yerushalmi*, comp. Lewy, *Ueber . . . Mishna des Abba Saul*, 4, note 2, and the article on "Baraita" by the present writer, in the *Jewish Encyclopedia*.

² The root אלה disappeared from the Babylonian, with the exception of אולפא, which may be a Palestinian *terminus technicus*. Instead of it, יף is used, to which, of course, מילף belongs, not, as Kohut, s. v., says, to אלה. He also reads אולפא, deriving it from the Aphel, though the other form ילפא assures the reading אלה from the Kal.

³ Rabbi Aḥa uses צריך in the sense of "doubtful", as the *Yerushalmi* does. The use of the word in the *Babli* is very different.

⁴ Comp., for instance, *Giffin*, 85 b, and what is said upon the passage in *G. S.*, p. 166.

documents are likewise in the Aramaic dialect of Palestine, and it would not be unnatural to find that the turns of speech used in the Academies and in the houses of prayer were Palestinian. As for the formula ברם צריך, Nathan says explicitly (84, 12) that it was used by the Geonim in their lectures. In view thereof, it is very suggestive that Nathan himself offers us the Babylonian form, בבטיא, while Rabbi Aḥa uses שאלתא, the Palestinian form¹.

These internal proofs of the Palestinian origin of the *She'eltot* are strengthened by reasons of an external nature. The most important Halakic product of the Geonic time, the *She'eltot* are yet not mentioned by a single one of the Geonim, excepting only the last of them, Rabbi Hai. The latter has only one reference to Rabbi Aḥa's work, to be found in Harkavy's Collection, 191. But of Rabbi Hai we know² that he was in correspondence with Palestinian scholars, and it is natural to conjecture that the *She'eltot* were brought to his notice through his intercourse with them. Even in the post-Geonic time, the scholars who make use of Rabbi Aḥa's work are those in particular of whom we know in other ways that Palestinian sources were accessible to them³. So far as I am aware, Alfasi never mentions the *She'eltot* in his compendium⁴, while his younger contemporary in France, Rashi, attributes great importance to them⁵. Also, the Italian Nathan, the author

¹ On this peculiar use of שאלתא, comp. above, p. 75, n. 2.

² Harkavy, 29.

³ If the *She'eltot* was not composed in Palestine, at least it was written under Palestinian influence. Comp. Epstein, *R. É. J.*, XLVI, 201, and Barnstein, in Sokolow's *ה' היובל*, 49. Concerning the relation of the *She'eltot* to *We-Hizhir*, see *Pardes*, 22 a, where the text stands in need of emendation. R. Kalonymos of Lucca quotes the *She'eltot*, comp. ג"ק, 133.

⁴ The benediction for בנול דמין, in Alfasi, *Pesahim*, I, 1, is not derived from the *She'eltot*, but from a Geonic Responsum, and the passage in *ה' השליין*, 15, ed. Wilna, is a gloss.

⁵ Rashi copies complete sentences from the *She'eltot*, and always calls the author נאמן; comp. the *She'eltot* passages cited by Rashi, in Zunz's biography of Rashi; also the quotation from the MS. of פירש in Azulai; *ש"ה*, s. v. אהא.

of the 'Aruk, mentions the *Sheëltot* several times. Now it is well known that the Italian and the Franco-German Jews early maintained relations with Palestinian scholars, and this would explain their knowledge of the *Sheëltot*.

We are now called upon to deal with a curious combination of circumstances—a work composed in Palestine ignores the *Yerushalmi*, though its author has the opportunity of citing it on every one of his pages. The explanation must be sought in the nature of the author's aim when he set himself the task of writing the book. In the introduction to his work, *בית הבהירה*, reprinted in Neubauer, *Mediaeval Jewish Chronicles*, II, 225, Rabbi Menahem Meïri has the following to say upon this subject: "We have a trustworthy tradition that Rabbi Aḥa had a son who refused to devote himself to study, and for him he wrote the *Sheëltot*, that in reading the Pentateuch portion each week, he might at the same time be forced to familiarise himself with certain Halakic pieces."

In spite of all the reverence due to so great a scholar as Meïri, it is still difficult not to indulge in doubts of the trustworthiness of his tradition. We are expected to believe that the first work of importance after the close of the Talmud owed its existence to the laziness of an unruly boy. In general, Meïri's account of the Geonim is a mixture of distorted and inaccurate statements¹, and this fact relieves us of the necessity of dealing seriously with his legend, which, besides, is denied by the plan and style of the *Sheëltot*.

First as to the plan of the book. In the editions² we

¹ Rabbi Nahshon is put before Rabbi Moses, Rabbi Hai ben David officiates as the successor of Rabbi Saadia, while Kohen-Zedek and Rab Amram are called his successors! This specimen should suffice to put a proper valuation upon Meïri's Geonic traditions.

² First edition, Venice, 1546, to which the other editions go back, with the exception of ed. Wilna, for which the learned editor and commentator, Rabbi Naphtali Zebi Berlin, used manuscript material. The bibliography on the *Sheëltot* will be found rather complete attached to the present writer's article, "Aḥa of Shabḥa," in the *Jewish Encyclopedia*.

have of it, it contains 171¹ *Sheëltot*, arranged according to the weekly pericopes of the Pentateuch. Each *Sheëlta* consists of five elements, unfortunately not always present in our printed edition. We shall take as an illustration the first *Sheëlta*, which probably has reached us comparatively intact. It begins thus: "*Sheëlta*: The house of Israel is in duty bound to rest on the Sabbath day, for when the Holy One, blessed be his Name, created the world, he created it in six days, he rested on the seventh day, which he blessed and sanctified." This is the introduction to the first division of the *Sheëlta*, which consists of a number of Halakot from the Talmud relating to the rest of the Sabbath day and its sanctification. Then follows the second division, beginning with the words: ברך צריך את למילף, "But this thou must learn," which introduce two Halakic questions—whether a fast should be broken simultaneously with the entering of the Sabbath, as fasting on the Sabbath is forbidden, and whether the prohibition against running on the Sabbath includes running to the synagogue or the house of learning. The arguments for and against having been stated briefly, the third part comes, introduced by the formula בריך שמה דק"ב דיהב לנא אוריתא ומצוותא על ידי משה רבנא לאלפא עמיה בית ישראל —"Blessed be the Name of the Holy One who hath given us the Torah and the laws, by the hand of our teacher Moses, in order to instruct his people, the house of Israel." But instead of giving a decisive reply to the questions propounded, the third division consists of Halakic and Haggadic pieces taken from the Talmud *Babli*, and from the Midrashim, all of them such as bring out the significance of the Sabbath. After this rather lengthy portion, in the nature of a digression, the fourth division presents the answer to the two questions, introduced by the words: "And regarding the questions which you put to me," לענין שאילתא. The questions and arguments are recapitu-

¹ There are two ways of counting the *Sheëltot*, I follow that of ed. Wilna.

lated, and on the basis of the statements of the Talmud, a conclusion is reached. The final division is a *Derashah*, of which the text has preserved only the superscription¹, and nothing besides. While the other four parts are still more or less distinguishable in many of the *Sheëltot*, the fifth part, the *Derashah*, has disappeared in absolutely every instance, and even of the superscriptions only twenty-nine have come down to us².

In an article by the present writer, on Rabbi Aḥa, of Shabḥa, *Jewish Encyclopedia*, I, pp. 278–80, the conjecture was hazarded that these *Derashot* were talks consisting of Halakic and Haggadic material, and that the *Sheëltot* as we now have them were abstracts of these lectures, giving the beginning of them and the end. It now appears that this conjecture requires considerable modification, by reason of the new light shed upon the subject by the Genizah fragment published in *G. S.*, pp. 354–62, which constitute the *Derashah* attached to *Sheëlta*, XLIII, and pp. 365–9, the *Derashah* of the next *Sheëlta*, show the character of the fifth, the concluding division of each of the *Sheëltot*. They are neither more nor less than literal extracts from the Babylonian Talmud, occasionally somewhat shortened, the choice of the parts of the Talmud being influenced

¹ The superscription is מְקוֹם שַׁבּוּת, the fourth section of the treatise *Pesahim*. The beginning (50 b) deals with travelling on Friday, a subject akin to the one discussed by Rabbi Aḥa in this *Sheëlta*. Reifmann, l. c., thinks that מְקוֹם שַׁבּוּת has reference to *Yer. Mo'ed Kaṭan*, III, 82 d, which is out of the question.

² Comp. the list in Reifmann, l. c. In *G. S.*, p. 366, a marginal note by a scribe or a reader gives the order of the succession of the parts of a *Sheëlta* agreeing with that of the editions. The probability is, however, that originally the *Derashah* came in the fourth place, with the introductory word בְּרַךְ. For reasons given further on it was later moved to the end of the *Sheëlta*, and then dropped entirely. This surmise is corroborated by *G. S.*, p. 364, l. 5, where בְּרַךְ is followed by the heading "*Derashah*" together with the theme of the *Derashah*, though the *Derashah* itself is at the end, in p. 365, line 9 et seq. If I am correctly informed, the order here described as original with the *Sheëltot* is met with in MSS. of the *Sheëltot*.

by their connexion with the subject treated in a given *Sheëlta*. The *Derashah* on *Sheëlta*, XLIII, pp. 354-62, is composed of extracts from the fifth section of the treatise *Baba Mezia*, containing the Talmudic laws of usury, which are discussed in the *Sheëlta*. A similar analysis holds good of the other *Derashah* given¹. This being their character, it is now plain why the copyists omitted the *Derashot*. They conveyed absolutely nothing new, either in form or in content, and in later times there was no reason for rewriting what could be found in the Talmud copies.

The important aspect of the *Derashot* is that through them light is thrown upon the purpose intended to be served by Rabbi Aḥa with his book. The *Sheëltoth* have the purpose of introducing the Babylonian Talmud to the Palestinians. At the time of Rabbi Aḥa, we may be sure that copies of the Talmud were not too plentiful, therefore it was his aim to extract verbatim a considerable portion of it², especially the practical material, and group it about the Biblical laws as they succeed each other in the Scriptures. To make his collection available for practical, pedagogic ends, Rabbi Aḥa, considerate of Palestinian taste, provided each section of his compendium with a lecture consisting of Halakah and Haggadah, in which a comprehensive summing up was made of one or more of the points treated ramblingly and minutely in the *Derashah*. From of old, the Haggadists in Palestine applied the *Yelamdenu Midrash* for their purposes. Their method was to take a Halakah as their starting-point, and then pass over to their real subject. Rabbi Aḥa followed their example to the extent that he did not exclude the Haggadah from his lectures, but in his scheme it occupied the same place that the Halakah had in the scheme of the

¹ In this *Derashah* there are even extracts from the *Mishnah*. Probably they were followed by the Talmud passages applying to them.

² If the *Derashah* reproduced in *G. S.*, pp. 354-62, is a proper criterion as to the length of the *Derashot*, Rabbi Aḥa extracted about one-fifth of the whole Talmud!

Palestinian Haggadists¹. The Haggadah was his starting-point, his real subject was the Halakah. To the Haggadists he owed also the arrangement of the material according to the weekly lesson from the Pentateuch, which had never before him been attempted by a Babylonian, nor was there one to attempt it after him². In Babylonia, the home of the Halakah, a plan on this basis would have been entirely unnatural, in view of the fact that the first book of the Pentateuch is purely narrative, as are also large portions of the second, fourth, and fifth, and therefore altogether unsuitable as a basis for legal discussions. Palestine, on the other hand, was the home of Haggadistic interpretation, for which the Pentateuch was chosen with instinctive discernment. Rabbi Aḥa shows a fine sense for the peculiarity of his new surroundings, when he accepts, for Halakic purposes, the model furnished him by the Haggadists. But docile as he was, he could not prevent himself from betraying his Babylonian origin. Instead of using as the basis of his work the triennial cycle of Pentateuch pericopes adopted in the Holy Land, he held to the annual cycle of his native country³.

In general, Rabbi Aḥa remained more or less consciously under the dominance of Babylonian customs during his sojourn in Palestine. His predilection appears notably in the fact that he did not attach his discussion upon the importance of the study of the Torah to the Biblical law

¹ Graetz, *Geschichte*, V², 162, has completely reversed the true relation of Rabbi Aḥa to the Haggadic Midrashim, when he maintains that the *She'iltot* served as a model for the later Haggadic collections, by which he means the *Tanḥuma* Midrashim.

² Of all the Midrashim, the *ḥ'ר פ'ר'ר* may be designated as Babylonian, and although it is essentially a Haggadic elaboration of the narratives in the first book of the Bible, it still is not arranged according to the Pentateuch lessons.

³ Doubtless the influence of the Babylonians must have made itself felt in this respect in the time of Rabbi Aḥa, and probably there were "Babylonian synagogues" in Palestine, such as had the one-year cycle of Pentateuch lessons. On the influence of the Babylonian rituals in Palestine see *G. S.*, p. 58.

in Deut. vi. 7, in the section וַתִּתֶּן. Instead, he displayed great ingenuity in working it into the pericope called לך לך. The reason is very simple. The "reception Sabbath" of the Exilarch in Babylonia coincided with Sabbath לך לך. The Geonim, or rather the Geonim of Sura, were in the habit of utilising this occasion, which attracted people from all parts, for a lecture, and naturally enough the study of the Torah was a favourite theme¹. And it was this custom of his native land Rabbi Aḥa had in mind when he used the *Sheḷta* on לך לך for a disquisition on תורה.

How completely the Geonic and post-Geonic development of Halakic literature was moulded by Babylonia, is shown by the fact that there is but a single work patterned after the *Sheḷtot*, the book *We-Hizhir*, the beginnings of which are probably to be placed in the tenth century. All that we know about the author is that he stood under strong Palestinian influences². Not only is the *We-Hizhir* constructed on the same formal plan as the *Sheḷtot*, but it embodied copious excerpts from Rabbi Aḥa's work, a circumstance which makes it most valuable for us, inasmuch as its text of the *Sheḷtot* frequently differs from ours³. The text upon which our editions are based has suffered additions and abbreviations as well. In *G. S.*, p. 353 et seq., below, Genizah fragments of pieces of the *Sheḷtot* missing in the printed text have been repro-

¹ Comp. above, p. 5, n. 1.

² Comp. above, p. 88, n. 3.

³ On this comp. Rapoport, הוֹדוּת ר' נתן, note 4, and Addition 1, also Reifmann, l. c. Our *Sheḷtot* are defective in arrangement, too. For instance, there can be no doubt that the *Sheḷta* CXXIII on ברכה כהנים belongs to the pericope נשוא and not to בדיבורך, as the editions have it. *Mahzor Vitry*, 394, and Rashi's *Siddur* (Buber's Introduction to ה' האורה, 84) quote this *Sheḷta* properly as belonging to נשוא. Hurwitz, the editor of the *Mahzor*, and Buber both went astray, therefore, when they were of opinion that the *Sheḷtot* passage in question was missing in our editions. On *Sheḷtot* quotations in the 'Aruk, comp. Buber's letter addressed to Kohut, in the latter's introduction to the ערך.

duced from the Taylor-Schechter collection at Cambridge¹. On the other hand, the Halakot of Rabbi Aḥa, which are mentioned by Maimonides in his introduction to the *Mishnah*, are not a lost book, but the *She'iltot* under another name. The *Halakot Pesuḳot* of Rabbi Aḥa, supposed to be mentioned by Rabbi Moses of Coucy in his סמ"ג, Commandement 50, is a printer's error as old as the second edition of 1488. The first edition, before 1480, reads properly יהא ידא instead of אהא².

RABBI JEHUDAI THE EARLIEST HALAKIC WRITER IN GEONIC TIMES.

"Since many years until this day there was none like unto Rab Jehudai, for he was great in knowledge—of the Bible, the *Mishnah*, the *Midrash*, the *Tosafot*, the *Haggadot*—and in the practical law. It was his habit never to say anything he had not heard from his teacher. He was great in holiness and purity, in piety and humility, he was zealous in the fulfilment of all commands. He sacrificed himself for the sake of God³, and he drew men near to the Torah and to obedience to the law, and none after him was like unto him Rabbi Jehudai once said, Ye have never submitted a matter to me, and I

¹ There is no telling whether all these *She'iltot* fragments belong to the original work of Rabbi Aḥa, or are later productions modelled after his work. The *She'iltot* on the Day of Atonement, pp. 373-81, shows so many verbal agreements with the סמ"ג that it cannot but have made use of the latter.

² The first to call attention to this alleged Halakot of Rabbi Aḥa was S. Bloch, in his Hebrew translation of Zunz's biography of Rashi. Reifmann, l. c., mentions it likewise, without referring to Bloch. Comp. also below, p. 100, n. 1.

³ The expression אה צמחי לשמים is usually applied to martyrs who sacrifice life in the service of God, but the preceding word יהיה shows plainly that there was no idea of conveying the notion of Rabbi Jehudai's having died a martyr's death. Rapoport's assumption, נרם חזר, VI, 243, that Rabbi Jehudai died a martyr, is refuted by this fragment; comp. also Weiss, 41, n. 17.

decided it, but that I had a proof from the Talmud for my decision, and from the practice of my teacher, who would have it from his teacher. I never rendered a decision wherefor I had only a proof from the Talmud, and not from the practice of my teacher, or wherefor I had a proof only from the practice of my teacher, and not from the Talmud."

This characterisation of Rabbi Jehudai, quoted in *G. S.*, pp. 52-3, by a younger contemporary of the great Gaon, shows how high an opinion his own time had of his ability and achievements. The centuries following his death felt the same appreciation of his mental powers. He was called the "light of the world," and a number of other epithets betokening honour and reverence¹. An anonymous author, probably a Gaon of Pumbedita, flourishing about the beginning of the ninth century, could find no more effectual way of investing what he wrote with authority than by the plea that "all I have written unto you I did not write out of my own learning and wisdom, but it rests upon what I have derived, in theory and in practice, from my teacher Rabbah, the disciple of Rabbi Jehudai Gaon, may the memory of our teacher be unto a blessing and unto life in the future world²."

¹ Comp., for instance, סר"ע, 45 a. Rabbi Sherira, י"ג, 43, observes that Rabbi Jehudai granted no absolution for oaths, and as a consequence the scholars of the generations succeeding him opposed the exercise of the *dehara* שבועה, since they would not arrogate to themselves greater authority than Rabbi Jehudai assumed! On his aversion to absolving from oaths and vows see Nahmanides, *Nedarim*, end. Comp. also the Geonic Responsum in *Ittur*, II, 2a, where the authority of Rabbi Jehudai is given high praise. The epithet "light of the world" was probably applied to him in contrast to his blindness, while that of Rabbenu Gershom, "light of the Diaspora," is derived from *Hullin*, 59 b.

² *Ha-Goren*, IV, 71. Harkavy's attempt to fasten this fragment, published by him, upon Rabbi Hilai, the father of Rabbi Natronai, is not successful. The strict interdict against fasting on *shabbat* שבת contained in this fragment contradicts the view of Rabbi Natronai (comp. *G. S.*, p. 261, and the sources cited there in connexion with Responsum 10), and it is not conceivable that the latter would have ignored his father's position completely. Rather is it probable that the author of

Rabbi Jehudai's learning alone could not have secured these extraordinary honours for him. The impartial historian is forced to confess that in respect to scholarship he was outstripped by more than one of his successors. Not to mention Rabbi Saadia, whose genius was so many-sided that he became the pioneer on a number of fields of Jewish science, Rabbi Jehudai's achievements even upon the limited field of the Talmud cannot be compared with those of Sar Shalom and Natronai, to specify only a couple of the older Geonim. The Responsa by Rabbi Jehudai, if they go beyond a curt affirmative or negative, offer at best a brief reference to a Talmud passage, without further comment. Nothing of the depth of a Sar Shalom or the great erudition of a Rabbi Natronai. Indeed, the panegyrist quoted above recounts it as one of his distinctions that Rabbi Jehudai never said anything for which he could not find endorsement in the Talmud or in religious practice.

Accordingly, Rabbi Jehudai's importance must be sought in some concrete deed which made him a commanding figure in the eyes of his contemporaries and his successors. And for a deed of this calibre we need not search far or long. The words of Rabbi Hai quoted above¹, in which he speaks of the "secret rolls," wherein the "authorities of remotest times," "who lived *before Rabbi Jehudai*," were wont to record traditions "for their own use," suggest the solution. *Rabbi Jehudai is the earliest author, at least the earliest Halakic author, of the Geonic time.* He was

the fragment was a Pumbeditan, and his teacher, רבא, of whom Harkavy says that no mention is made of him otherwise, was the Gaon of Pumbedita, Rab Abba ben Rabbi Dudai, the nephew of Rabbi Jehudai. It is work of supererogation to prove the identity of the names רבא, רבא, and ר' אבא; however, even the versions of Rabbi Sherira's Letter, 39, have רבא and רב אבא for the same name. It only remains to add that the prohibition against fasting on שבת שזכה goes back to Rabbi Jehudai; comp. Müller, *Handschriftliche Jehudai Gaon zugewiesene Lehrsätze*, 11 and 18.

¹ Comp. above, p. 74.

the first to put Halakic matter down in writing for general use, and it is from this point of view that he may and should be regarded as a pioneer.

The objection will be raised that in the previous section Rabba Aḥa, of Shabḥa, a contemporary of Rabbi Jehudai, was presented as an author of a Halakic work. It is altogether probable that this contemporary of Rabbi Jehudai was stimulated to take up his pen when the latter, with all the authority of a Gaon, abrogated the prohibition against the writing down of the Halakah. The assumption, in itself highly probable, that so important a change emanated from a Gaon invested with dignity and power rather than a private individual, finds corroboration in the chronological data marshalled in the first part of this Introduction. It was shown above, p. 48, that the Gaon of Pumbedita, Rabbi Samuel, was still alive when Rabbi Jehudai entered upon the Gaonate of Sura. Furthermore, we know that Rabbi Aḥa wrote his *Sheēltot* after his removal to Palestine, and this event did not take place until after the death of Rabbi Samuel. But at bottom the *Sheēltot* do not affect the present point. In Palestine the prohibition against the writing down of Halakah had ceased to be enforced with rigour back in the Talmudic time¹. So that even if the *Sheēltot* had not remained unknown in Babylonia, being a Palestinian product, they still would have had no influence upon the question of Halakic authorship in Babylonia.

¹ Comp. *Temurah*, 14 a; the beginnings of the practice of writing down the Halakah are probably to be sought in the אגרות כמסורה, the written communications sent from Palestine to Babylonia. The sharp condemnation by Rabbi Johanan of the practice of writing down the Halakah, *Temurah*, l. c., is not found in the *Yerushalmi*, while there is, in *Yer. Berakot*, V, 9 a, an endorsement of Haggadic writings by Rabbi Johanan. Comp. Brüll, *Jahrbücher*, II, 5.

CONFLICTING TRADITIONS ABOUT THE AUTHOR OF THE HALAKOT GEDOLOT.

Rabbi Jehudai's priority as an Halakic author is contested by another, by Rabbi Simon קיירא¹. The most important Halakic compendium of the Geonic period, the *Halakot Gedolot*, is ascribed by some old authors to Rabbi Jehudai, but others name Rabbi Simon as the author. Rabbi Abraham Ibn Daud maintains plainly that Rabbi Jehudai's *Halakot Kēzūbot* are an abstract of the *Halakot Gedolot* of Rabbi Simon. Halevy emends (pp. 200-13) the text of the RaBeD so that he finds the exact reverse to be the case, that it was Rabbi Simon who based his work upon Rabbi Jehudai's. It is Halevy's theory that Rabbi Jehudai wrote a Halakic compendium long before he became Gaon, and it served as the source from which his younger and less important contemporaries, Rabbi Aḥa, the author of the *She'iltot*, and Rabbi Simon, the author of the *Halakot Gedolot*, drew their material. The assumption is highly improbable—to repeat what was said above—that the first step toward a fixation of the Halakah in writing in Babylonia proceeded from a private individual, but if it were an acceptable assumption, the priority of Rabbi Simon would be established, for the RaBeD puts the time of his activity a generation earlier than Rabbi Jehudai, and no emendation can dispose of that statement.

But there is no room for doubt as to the incorrectness of the RaBeD's statement about Rabbi Simon. It clearly rests upon a misunderstanding, and it is vain to try to harmonise it with other reports of a reliable nature². Rabbi Hai, as appears from his words quoted above³,

¹ The most important literature dealing with ה"ג is recorded by Epstein in his ספר ה"ג.

² How RaBeD reached this view of his, comp. above, pp. 76-7, and Epstein, l. c., 51.

³ Comp. above, p. 74.

assuredly considers Rabbi Jehudai the earliest author of the Geonic period, and bearing this Responsum of Rabbi Hai in mind, another passage of his, in ג"ק, 87, . . . שמועין ר' שמעון, לא קם אמעמיהון דמר רב יהודאי, admits of no meaning except this: Rabbi Simon קיירא, the compiler of the *Halakot Gedolot*, misunderstood the opinion of Rabbi Jehudai.

Rabbi Hai's last quoted statement propounds another problem, the solution of which is extremely difficult. In this Responsum and elsewhere, Rabbi Hai clearly says that the author of ה"ג was Rabbi Simon קיירא, and not Rabbi Jehudai, wherein he argues with the scholars of Spain and the Provence, and is in opposition to those of France and Germany. The latter¹ name Rabbi Jehudai as the author of ה"ג. In his enlightening essay upon the subject, Epstein does not hesitate to characterise the tradition of Franco-German authorities regarding the author of ה"ג as an outright error. However, he makes no attempt to elicit the cause of the error. It could not have been caused by confounding ה"ג with the הלכות פסוקות ascribed to Rabbi

¹ The older Italian scholars, as, for instance, Rabbi Isaiah di Trani the Elder, agree with the Franco-German scholars, while the younger ones seem to have wavered. Rabbi Zedekiah ben Abraham, the author of the שב"ה, in most passages calls Rabbi Jehudai the author of the ה"ג, yet there are places in which Rabbi Simon קיירא appears as such. Though Rabbi Abraham ben Nathan, the author of the *Manhig*, studied in Northern France, he wrote his work in Spain, hence he usually speaks of Rabbi Simon as the author of the ה"ג, but, again, in some passages, he was dominated by the French tradition. Among the Spanish-Provençal authors, too, there is a tendency to variation. In ש"צ, 14 a, Rabbi David הרב (Alfasi quotes him in ג"ה, 301) speaks of Rabbi Jehudai as the author of ה"ג, and Rabbi Isaac, the author of the *Iḥṭur*, though he almost always considers Rabbi Simon as the author, says in one passage (II, 48 d) . . . וכ"פ רב אחא בעל הלכות . . . , which should most probably be read רב יודה בעל הלכות, since the passage quoted occurs in both versions of the ה"ג, at the beginning of פסח, but it does not occur in the *Sheḥṭot*. The same slip of the pen, making יודה of אחא, was shown above, p. 95, to have occurred in סמ"ג. There is the possibility, however, that the *Iḥṭur* had this passage in *Sheḥṭa* LXXIII and LXXIX. The description of Rabbi Aḥa as the בעל הל' was demonstrated above, p. 95, to occur in Maimonides.

Jehudai. They knew the latter work as well as the former, and the widely varying character of the two books would suggest separate authors rather than the same. Halevy, applying the Talmudic maxim, *אלו ואלו דברי אלהים חיים*, to historical data, can see no contradiction between the two opinions. He holds that the Franco-German authors had made Rabbi Jehudai the author of ה"ג, because they knew that for this work of his Rabbi Simon קיירא had made constant use of the הלכות פסוקות of Rabbi Jehudai. They therefore did not hesitate to describe Rabbi Jehudai as the author in the real sense. Apart from the improbability of this conjecture, which imputes to scholars of the eleventh and twelfth centuries the practice of changing the name of the author attached to a given book, on the ground of literary criticism, this alleged historical criticism was far from doing honour to the penetration of the critics. The *Halakot Pesuḳot*, it is true, are freely made use of in the present form of the *Halakot Gedolot*, but these two Halakot collections are so radically different in their underlying plans, that there would be as much justification for ascribing the same author to them as for ascribing the *Halakot Gedolot* to Rabbi Aḥa, of Shabḥa, whose *She'eltot*, too, have been drawn upon considerably therefor.

Now, if it were simply a matter of choosing between Rabbi Hai's statement and the statement of European scholars, we should not have to hesitate long. The Babylonian Rabbi Hai, the Gaon of Pumbedita, was assuredly better informed about the author of important Halakot collections made in the Geonic time than the authorities of Germany and France living at a distance from the time and the scene of the activity of the Babylonian Halakists. However, we are in possession of a Geonic tradition very much older than Rabbi Hai's, and it tells us, in unmistakable words, that Rabbi Jehudai is the author of the *Halakot Gedolot*. In a Responsum in *G. S.*, pp. 85-6, a decision occurring in the *Halakot Gedolot* is repudiated on the ground that it lacks authenticity, and the view is

expressed that it did not emanate from the author of the ה"ג, but rather from Rabbi Jacob, the Gaon of Sura. If it is taken into consideration that even the last of the Geonim, Rabbi Hai and Rabbi Samuel ben Ḥofni, express their opinion on Rabbi Simon קיירא plainly, indicating that they do not regard him as an authority¹, the Responsum referred to would become altogether unintelligible on the assumption that its writer looked upon Rabbi Simon as the author of ה"ג. Instead of undermining the authority of the decision disputed by him, he would confirm it by attributing it to so eminent a person as Rabbi Jacob, Gaon of Sura. The Responsum conveys sense only if we assume that its writer considered Rabbi Jehudai Gaon as the author of ה"ג. Now a decision emanating from him had unassailable authority in the eyes of the Geonim, and therefore the writer of the Responsum adds that the moot passage had originated, not with Rabbi Jehudai, but with a disciple² of his, Rabbi Jacob, and the view of this Gaon he did not accept as of unquestioned authority.

The writer of the Responsum under examination is not

¹ Comp., for example, Rabbi Hai's rather incisive observation on Rabbi Simon in ג"ק, 87, and Rabbi Samuel ben Ḥofni's patronising words in Harkavy, 146. It may be noted, by the way, that Epstein, l. c., overlooked this quotation from ה"ג by Rabbi Samuel.

² Rabbi Jacob referred to oral instructions given by Rabbi Jehudai in his presence (א"י, I, 114 b; שרר, 28 a; and below, p. 31), as is indicated particularly by the words מפי ר' יהודאי. The end of the Responsum by Rabbi Jacob in א"י reads: מפי רב. ורדא מילה אמרה ר' מפי רב (in שרר the text is corrupt), whence the inference seems to be that the teacher of Rabbi Jacob was not Rabbi Jehudai himself, but one of the pupils of the latter, perhaps Rabbi Ḥanina. As the death of Rabbi Jacob occurred forty years after Rabbi Jehudai's, it is possible for him to have heard Rabbi Jehudai dispense instruction, without having been a pupil of his in the true sense of the word. Comp. also ה"ג, 125, which gives the impression that Rabbi Jacob was a disciple of Rabbi Ḥanina. In the MS. of the ראב"ה, mentioned above, p. 47, the parallel passage reads: ואף מר הגלילי [= הגימלי] נאמן מורה . . . וכן לשון וקבלתו. מפי רב יהודאי נאמן. Accordingly, it is Rabbi Haninai, and not Rabbi Jacob, who referred to personal instructions received from Rabbi Jehudai.

mentioned, but it seems highly probable that it was issued by Rabbi Natronai ben Hilai, who elsewhere, too, accuses Rabbi Jacob of seeking to give a view of his own undue weight through the protection of Rabbi Jehudai's name¹. Also, the expression *הכין חזינא* is frequently used by Rabbi Natronai. At all events, the rather cavalier way in which a view of Rabbi Jacob's is rejected, indicates that the author of the Responsum must be a Gaon not too far removed from Rabbi Jacob in time².

JEHUDAI GAON AUTHOR OF THE ORIGINAL HALAKOT GEDOLOT.

Another circumstance adds to the difficulty of determining who the author of the *Halakot Gedolot* is. We have two widely varying versions of the book, and it is a serious task to establish which of the two, if either, is the original form. This is not the place to discuss in detail the relation existing between these two versions; one point, however, requires immediate consideration. One version, which will be designated as ה"ג I, mentions no authorities younger than Rabbi Jehudai Gaon³, while ה"ג II refers to

¹ Comp. *G. S.*, p. 31.

² Comp. R. Natronai's Responsum in *G. S.*, p. 319, where *ס' ה כותב* is perhaps = ה"ג.

³ In the author's list for ה"ג, by Epstein, l. c., Rabbi Hanina appears the pupil of Rabbi Jehudai, from ה"ג I, but it is very doubtful whether the *ר' הנינא* mentioned there is the same as the pupil of Rabbi Jehudai, as there was an earlier Gaon of this name. Halevy's objection to the identification, that the younger Rabbi Hanina is not designated as *Kohen*, is of course untenable. In ה"ג, 125, likewise, *ר' הנינא* is not described as *Kohen*, although it is certain that Rabbi Jehudai's pupil is there referred to, as his reply to a question put by Rabbi Jacob is given. It should be added that the passage in ה"ג, 79a, is a later interpolation, as appears from *א"י*, I, 204. It was transferred thither from ה"ג II, 325, where it was in so early a copy as that used by Samuel ben Hofni (Harkavy, 146). The form of the other passage, ה"ג, 138d, betrays it to be a gloss, as in two other passages in ה"ג I, in which explanations are described as *פירוש*, this word properly stands at the beginning of the clause to be explained, while here it is put at the end. It probably is the observation of a reader who had heard the discussion of *מנהגת כהונה* by Rabbi Hanina, which is not meant to imply that the view presented

Geonim¹ up to 890. The final redaction of the latter version should thus be assigned to about the year 900. As the Franco-German scholars differ from the Hispano-Provençal in their views of the authorship of ה"ג, so also they differ in their use of the versions². The former are acquainted with the first version only, the latter with the second version only, and here we must seek the solution of the question occupying us.

The real author of ה"ג is Rabbi Jehudai. His work reached the Franco-German scholars at an early period,

originated with him. An interesting parallel is offered by *Yalkut*, I, 736, where it is said, at the end of a *Midrash* extract: *ולמר אהרם ברוכץ* [מרתא]—“And this [section] was expounded by the head of the Academy and Gaon Rabbi Ḥanina in the Academy.” It would seem that Rabbi Ḥanina was disposed to give his students compilations of Haggadic material and Halakic as well. It must be admitted, however, that *ולמר* may refer to Rabbi Samuel, and not to Rabbi Ḥaninai. Who *ר' פפייס* is, mentioned in both versions of ה"ג, cannot be made out. The father of the Pumbeditan Gaon Rabbi Zemaḥ is called *פפי* in a MS. of the Letter, instead of *פפאי*, but this must be merely a slip of the pen, as Rabbi Nathan also has *פפאי*.

¹ Probably the reading should be *קיימי* instead of *קיימי* II, 548. The person meant is the Gaon of Sura (about 832), not the Gaon of Pumbedita (ab. 906), the father of Mebasser, as no Pumbeditan Geonim are mentioned in ה"ג with the exception of Rabbi Paltoi and his son Zemaḥ. Responsa by a Rabbi Kimoi are to be found in the anonymous Halakic compendium published in *J. Q. R.*, IX, 669-81, and he is probably the same as our Rabbi *קיימי*. It is proper, however, to call attention to the fact that Rabbi Nathan calls the father of Rabbi Saadia's predecessor as Gaon of Sura *קיימי*, and not *קיימי*. About *ר' יעקב בן חביב* II, 230, we know absolutely nothing. Is it possible that he may be Rabbi Jacob of Nehar Pakod, who was Gaon of Sura about 715? His decision against the use of phylacteries on דוה"מ is in agreement with Rabbi Shashna (ש"ה, 266), who officiated as Gaon of Sura about one generation earlier. At all events, the name *חביב*, in its Aramaic form *חבביאי*, occurs at this time; comp. above, p. 17, n. 1. I am very suspicious about the genuineness of the end of the Responsum in ש"ה, l. c. It is missing in ש"ה, 155, and in *הש"ר*, I, 47, it forms part of a Responsum by Rabbi Moses. We can hardly be said to know Rabbi Shashna's view on ברוה"מ.

² This rule, of course, has its exceptions. Rabbi Isaac of Vienna also used the *אשכנזי* של *אשכנזי*. On the other hand, Albargeloni seems to have known ה"ג I, as was observed by Halberstam in his introduction to the *ש"ר*, 12. Comp. above, p. 100, n. 1.

and they assigned it to Rabbi Jehudai as its author, on the strength of a well-founded tradition. This work was recast about 900, by Rabbi Simon, who made many additions thereto, by reason of which additions the work acquired such popularity that it superseded the original of the great Rabbi Jehudai. Now, when Rabbi Sherira and Rabbi Hai desire to speak of Rabbi Jehudai's work, they designate it specifically as הלכות ר' יהודאי in contrast to the ה"ג *par excellence*, which circulated a century after Rabbi Simon in the form given to it by him. This "improved" version fell into the hands of the Hispano-Provençal scholars, who properly referred to the ה"ג as the work of Rabbi Simon, inasmuch as they did not know its older form. Again, the anonymous writer of the Responsum in *G. S.*, pp. 85, 86, who lived before 900, knew none but the first version, and there was no need for him to name the author, Rabbi Jehudai, explicitly. In his time no *Halakot Gedolot* existed except those of Rabbi Jehudai. The words of Rabbi Hai¹, בהלכות גדולות ומר יהודאי, are therefore not to be emended to read בהלכות גדולות ובהלכות מר יהודאי, as suggested by Epstein, but ומר is to be changed to דמר. Rabbi Hai refers to the various readings in the ה"ג of Rabbi Jehudai, without concerning himself about those of Rabbi Simon, to which he attributed no particular importance.

It must be admitted that Rabbi Hai cites² a view from the *Halakot* of Rabbi Jehudai which is in contradiction to ה"ג I. But this can hardly be brought up as an objection to the above explanation, if we consider that as early as the time of the Geonim the text of ה"ג had been badly tampered with³. We are probably dealing with a correction of ה"ג I in accordance with ה"ג II, a process not by any manner of means unique⁴. Though

¹ Quoted in המים דעים, 23 a, 119.

² ש"ט, II, 66.

³ Comp. Epstein, l. c.

⁴ Of the many proofs that might be brought forward, a couple follow: זכ"ג, Prohibition 138, cited from ה"ג II, which we have in ה"ג I, 134 d, while Commandment 63 he cites from ה"ג I, with us contained in ה"ג

Rabbi Simon fell far short of enjoying the respect paid his predecessor, Rabbi Jehudai, his work was used to a much larger extent than the shorter compendium of Rabbi Jehudai, who even had to submit to improvements after Rabbi Simon.

A much more serious objection might be advanced, based upon the presence of *She'eltot* quotations in the ה"ג. It is to the last degree improbable that Rabbi Jehudai would regard the work of his contemporary Rabbi Aḥa, whose activity, besides, displayed itself in Palestine, as of sufficient importance to be excerpted by him. But on closer examination this objection to the explanation given develops into a supporting argument. It was mentioned above that down to Rabbi Hai the *She'eltot* were not mentioned by any Gaon, which makes the frequent quotations from them in the ה"ג all the more remarkable. Another point to be noted is that Rabbi Aḥa, the author of the *She'eltot*, is mentioned by name four times in ה"ג, but his opinions are each time introduced with the word אָמַר, whether they are statements of his appearing in the *She'eltot*, or such as are not taken thence. An interpretation of these facts would properly permit us to infer that the author of the ה"ג was personally acquainted with Rabbi Aḥa, and was told one thing and another by him in conversation, but his work, the *She'eltot*, written in Palestine, was not known to Rabbi Jehudai, who may have written his own Halakic collection earlier than Rabbi Aḥa wrote his. Hence the *She'eltot* quotations, which on their face are passages from the book reproduced literally, cannot have been put in by Rabbi Jehudai himself. The same explanation applies to them as to the fairly numerous decisions of Rabbi

II, 528. The ה"ג של ר"ה quoted by French authors was ה"ג II, as appears from *Tosafot, Hullin*, 46 b, catchword אִיכְמִי, yet it was not identical with our text of the second version. For example, the ה"ג quotes passages from the ה"ג of ר"ה, to be found neither in ה"ג I nor II. Comp. also Freimann, *We-Hizhir*, II, 82-3.

Jehudai himself that are to be found in the ה"ג—doubtless a pupil of Rabbi Jehudai inserted, in appropriate places in his work, opinions of the master known from other sources¹. In the same way he enriched it with introductions taken from the *She'eltot*. It is not impossible that this same disciple may have sat at the feet of Rabbi Aḥa, too, while the latter still lived at Babylonia.

Accordingly, the development of the ה"ג must have proceeded as follows: About the middle of the eighth century Rabbi Jehudai composed a Halakic compendium, which he named הלכות גדולות². This work of his was provided with additions by a pupil. The additions were mainly of two sorts, introductions³, taken from the *She'eltot*, to comprehensive sections of the work; and extracts from Responsa by Rabbi Jehudai, together with other of his oral and written decisions. The result was the work which came to the hands of the Franco-German scholars. This same work of Rabbi Jehudai's, with the additions and introductions inserted by his pupil, formed the foundation upon which Rabbi Simon קיירא, in about 900, built up a remodelled work, known to the last of the Geonim and to the Hispano-Provençal Jews as the "*Halakot Gedolot* of Rabbi Simon קיירא." Originally, it is fair to assume, the latter book circulated under its full title, הלכות גדולות שתקן ר' שמעון—"the *Halakot Gedolot* [of Rabbi Jehudai, of course, there being no other in existence] arranged [in Hebrew, the same as composed⁴]

¹ The *Mishnah*, the work of Rabbi, and also the *Seder Rab Amran* contain teachings by their authors, who are mentioned by name, and as this does not invalidate their claims of authorship, so the frequent occurrence of Rabbi Jehudai's name in the ה"ג testifies for his authorship rather than against it. In the last case, the author's blindness is an additional consideration. Many a sentence dictated by him directly may have been set down by his pupils with the introductory words, "Rabbi Jehudai says."

² The title was probably derived from the Talmud, *Shebu'ot*, 45 a.

³ Most of the *She'eltot* quotations are of this kind.

⁴ On the various uses of תקן, comp. Zunz, *Gesammelte Schriften*, III, 51, and below, p. 161.

variations seem to offer strong corroboration of the view expressed above, that the original form of the ה"ג did not contain the *Sheëltot* quotations. Likewise, the Genizah fragments present an arrangement of the material departing essentially from that which we are familiar with in the printed versions¹.

In defining the relation of the *Sheëltot* to the *Halakot Gedolot*, an important circumstance must not be overlooked. Doubtless Rabbi Aḥa must have embodied a number of Halakot and Talmudic explanations, formulated in the Saboraic and early Geonic times in his work, in their literal wording. Such use of a common source would account for some of the passages that agree *literatim et verbatim* in the two books. As we saw above², the last of the Geonim cite teachings and explanations, in the form of oral traditions, from the Saboraic and the early Geonic period, identical word for word with sentences in the ה"ג. How much more may we expect to find such literal accord between contemporaries like Rabbi Jehudai and Rabbi Aḥa. They may have been disciples of the same teachers, and certainly were members of the same academy.

Another class of *Sheëltot* quotations in the ה"ג can readily be shown to be later additions. The passage in the ה"ג on the insertion of לע הנסים in the prayers on the Sabbath of *Ḥanukkah* is a case in point. The section ושבח וראש חדש ושבת — חייבא הוא — which occurs in both versions of the ה"ג (25 c; ed. Hildesheimer, 85) is a repetition of *Sheëltot* XXVI, 85, but the following section — במספין ומזכיר — demonstrates that the author of the ה"ג differs essentially from Rabbi Aḥa in his view of this liturgical regulation. Rabbi Aḥa holds that on the Sabbath of *Ḥanukkah*, על הנסים is to be inserted both in the '*Amidah* and in the grace after meals; the author of the ה"ג insists upon the

¹ Comp. the fragment reproduced below, p. 382. I have noticed in other Genizah fragments, besides, an order essentially different from the printed versions.

² Comp. pp. 73-4, above.

former only. This difference of opinion did not escape the notice of Rabbi Jehudai's pupil. He added to the work of his master the passage in the *Sheëltot* bearing upon the question, but that Rabbi Jehudai's opinion might not be contravened, he omitted Rabbi Aḥa's final sentence. He could not avoid stating the same Halakah in two forms, conveying the same content and differing only in their verbal terms. Side by side with each other, we have Rabbi Aḥa's view and Rabbi Jehudai's, on the insertion of על הנסים on the Sabbath of *Hanukkah*.

There are also a number of other elements which, like the quotations from the *Sheëltot*, do not belong to the original component parts of the ג"ה. Even when they occur in both versions, they are still to be looked upon as additions. At the end of the section on ציצית, there are three *Halakot* of liturgical content totally unconnected with what precedes—enough to make one suspicious of their right to be considered an integral part of the real ג"ה. The last of the doubtful *Halakot* is irrefutable evidence of the spuriousness of all three. It teaches that *Kaddish* and *Baraku* may be recited with but six worshippers present. The author of *Masseket Soferim*, X, 8, informs us that as late as his time, several centuries after Jehudai, the Babylonians insisted upon the presence of ten men, while the Palestinians contented themselves with six¹. The only proper inference is that this passage in the ג"ה was interpolated at a late time, probably after the date of *Masseket Soferim*, a Palestinian work cited by no Babylonian author of the Geonic period². The other two *Halakot* are taken from the *Seder Rab Amram*³ (26 a

¹ The text of *Mas. Soferim* bears various interpretations. The conception presented in ג"ה agrees with Rabbenu Tam's; comp. Müller on this passage. That none of the old authors referred to the passage in ג"ה, may also be adduced as a proof of its spuriousness.

² Rabbenu Hai quotes *Masseket Seforim*, not *Masseket Soferim*. Comp. above, p. 73, n. 1.

³ Epstein, l. c., mentions neither of these two quotations from the ג"ה in the צ"ה.

and 31 a). As to the first of them, it is questionable whether its form in the *Seder*, as we have it, is the original form. The words *דמעלי לברוכי* in the *Seder* are very likely to be a later addition, because Albargeloni, in his *ספר העמים*, 178, says that he did not find them in a Geonic Responsum in which this Halakah was quoted. As the words in question were in the ה"ג used by Albargeloni¹, as he tells us, we are obviously dealing with a comparatively old addition.

The sentences and short paragraphs which we have been discussing and characterising as additions to the ה"ג do not exhaust the series of interpolations to which the book was subjected. As the versions before us are constituted, there must be parts of considerable size, not in the original plan of the book. But in order to recognise them as interjected members, it is necessary to understand clearly the underlying plan and construction of the first Halakic compendium of the post-Talmudic time.

PLAN AND PURPOSE OF THE HALAKOT GEDOLOT.

At the time of the Geonim the Talmud was not only the authoritative source for religious practices, but also the work the study of which constituted the chief task of a Jewish scholar. The vast accumulation of material in it, and its discursive manner of presenting the subject-matter, made both its practical use and theoretic investigation tasks of huge difficulty. The Karaitic schism dating from the time of Rabbi Jehudai demanded inexorably a codification of the religious laws affecting practical conduct². The

¹ The editor of the *ספר העמים* observes that the quotation is not to be found in our ה"ג!

² Decided anti-Karaitic tendencies manifest themselves in Rabbi Jehudai, especially in his Responsa. The most detailed of his decisions is that on the importance of השליך in ש"ה, 153, and it is obviously directed against the Karaites, who would have nothing to do with phylacteries. Also, I entertain no doubt as to the anti-Karaitic purpose of the famous decision by Rabbi Jehudai regarding the use of מים חיים for

scholar and the educated layman alike had to be given the possibility of readily distinguishing the true from the false, the "traditional law" from the law of the Karaites. This goal could be reached in one of two ways. Either the Talmud had to be shortened and reshaped, so as to bring it within the capacity of the average scholar, or the Talmudic Halakot had to be grouped anew. These two tendencies¹ in the code literature, whose classic representatives in a later generation were Alfasi and Maimonides, respectively, existed in the Geonic time. By the side of the Geonic *Halakot Gedolot* there were the Geonic *Halakot Pesuḳot* or *Ḳeẓubot*. It cannot be supposed, therefore, that it was lack of creative ability that forced Rabbi Jehudai to shorten the Talmud, instead of systematising it anew. We could not have expected him to produce so artistic a work as the *Yad* of Maimonides, but it would not have transcended his powers to systematize the Halakot in their rudimentary form, as we have them systematized in the *Halakot Ḳeẓubot*. Rather it seems that the author of the ה"ג had good reasons for keeping to the arrangement of the Talmud.

His work was intended to serve two purposes at once— it was to be a guide for the student desirous of acquainting himself with the Talmud, and also it was to enable the scholar to decide a case submitted to him, according to law, without having to wade through the three thousand folio pages of the Talmud. Taking into consideration that it was a first attempt at these two tasks, one cannot but admit that the ה"ג was a brilliant achievement.

a נדה, which caused such great embarrassment later. The Karaites denied totally the obligatory character of גבילה נדה. Likewise, his decision in ע"ה, 103, on a יבמה who has married again without הליצה, is anti-Karaitic, as appears from a comparison with 'Anān's book of laws, 170. The old view is found also in a Responsum in פ"ט, 2 a, 10, which is not in a corrupt state, as Müller, *Mafteah*, 69, note 25, thinks. It represents the old Halakah.

¹ Comp. the art. "Law, Codification of the," by the present writer in the *Jewish Encyclopedia*.

Rabbi Jehudai's method was the following: In the first place he set about and he succeeded in excluding from his work almost all Haggadic elements. For religious practice the Haggadah had no value, and as a number of Haggadic Midrashim were at the disposal of the student, he needed no guide to this department of literature. The exclusion of the Haggadah at once produced a considerable reduction in the bulk of the material. Still keeping practical needs in mind, the author excluded also the material which no longer had application to the religious practice of his time and of the Diaspora¹. The whole of the Order *Ḳodashim*² excepting the treatise *Hullin* alone, was not included in the *Ḳ"ה*, nor was the treatise *Hagigah* of the second Order, and the treatise *Sotah* of the third Order. This abbreviated Talmud was condensed still more by the exclusion of the discussions as far as possible. Only the results derived from the argumentation are stated. In this way it became possible for Rabbi Jehudai to accomplish the feat, for instance, of compressing the eleven folios constituting the first chapter of the first Talmudic treatise, *Berakot*, into a single folio. It marks a big step forward in the direction of an independent, systematic presentation of the Talmudic material, that Rabbi Jehudai succeeded in his attempt to collect certain portions from their places here and there in the Talmud and group them together according to content.

In one and the same treatise the Talmud expounds the prescription for the Sabbath lights and the prescription for the *Hanukkah* candles, connecting with the latter also the treatment of the *Hanukkah* liturgy. The same treatise contains, besides, the laws of circumcision, being introduced there incidentally to the special case of this ceremony

¹ Of the Order *Zera'im*, he incorporated, beside *חלה*, *טרה*, *נזאים*, which had practical bearing, also *פאה*, probably because in ancient times the command of *Pe'ah* was executed by the pious even in Babylonia, though meant to apply only to Palestine. Comp. the Responsum in *G. S.*, p. 222, and the remarks introductory to it, pp. 217-18.

² On the later additions comp. below, pp. 115-16.

performed on the Sabbath. The author of the ה"ג has dealt with these various subjects systematically. Whatever the Talmud has to say on *Hanukkah* he put together under the separate and independent heading הלכות הנוכה, and whatever it has to say on circumcision went in the class הלכות מילה. A still more striking illustration of his fresh attitude is afforded by his gathering together what the Talmud has to say upon the subject of proselytes, and joining it to הלכות מילה, in view of the fact that circumcision is the *conditio sine qua non* for admission to Judaism. Bold as he was in these attempts of his at systematic grouping, he yet, as is natural, could not give up entirely his dependence upon the Talmud. For instance, the two subjects mentioned, ה' הנוכה and ה' מילה, he inserted after שבת, only because the Talmud deals with them in the treatise *Shabbat*.

The aim of the ה"ג, to attain to an organic system according to which to present the Halakot, is well exemplified in the consecutive sections on the intermediate days of the festivals, on mourning, ritual defilement, the priestly blessing, synagogue ordinances, *Tefillin*, *Mezuzot*, and *Zizzit*. This apparent mixture of heterogeneous elements is in reality a connected series. In arranging the order of the first two he followed the example of the Mishnah and the Talmud, in which they come together for the reason that the degree of abstinence from work imposed upon mourners (during the first seven days after a death) is the same as the degree imposed upon all during the intermediate days of a festival, Passover or Tabernacles. The author of the ה"ג logically followed up these laws for mourners by the prescriptions important for a priest in mourning. They set forth in what circumstances a priest is permitted to defile himself upon a corpse. Interested in these laws of the priest, he took occasion to speak also of the priestly blessing at the public service. These two sets of laws, on defilement and the priestly blessing, dispose of all the duties and privileges of a priest in the Diaspora and after the destruction of the Temple. But outside of

the priestly blessing, the only other element of the liturgy requiring a communal public service, is the reading from the Scriptures. The natural order, therefore, is to proceed with the regulations for reading from the Torah, the character and make-up of the scrolls, and the ordinances for the synagogue, the place at which the law is read. In effect, the scroll is identical with the *Mezuzah* and the *Tefillin*, so far as the rules for making them go, and in view of the holy character of the three. The sections on the two latter subjects therefore follow of themselves upon the one dealing with the ס' תורה, and the next, the section on *Zizzit*, joins that on *Tefillin* without a break, both being the paraphernalia connected with the Morning Prayer.

If we were to stop and analyse the whole of the ה"ג in the foregoing way, we should find that its author conformed as far as possible to the order of the Talmud. His procedure was novel and independent only in that he brought together, under single comprehensive headings, small portions dealing with a given subject that are scattered in many treatises.

An examination of the plan of the ה"ג shows that the sections on זבחים כריתות מנחות מעילה תמורה could not possibly have been arranged by the author himself. They contain nothing that was of importance for the religious practice of his time, and to such portions of the Talmud Rabbi Jehudai, as we have seen, paid no attention in his book. And granted that he may have changed his system when he reached the treatises enumerated, we should still be called upon to account for the fact that he reduced the 120 folios of the treatise *Zebahim* to a half-folio¹. While

¹ And even this half-folio, superscribed הלכה ונזיר, contains a big piece from *Midot* and the whole of the fifth section of the *Mishnah Zebahim*, an unusual element in the ה"ג, which is in the habit of giving extracts from the Talmud, but not from the Mishnah. This fifth section of the *Mishnah Zebahim* formed a part of the prayer-book even in the Geonic time (see *G. S.*, p. 116, and R. Saadia's Commentary on *Berakot*, 22 a), and was probably appended to the ה"ג by the copyists for practical purposes.

elsewhere Rabbi Jehudai excludes all Haggadic material on principle, his *מעילה* ה' consists of a single legend taken from the Talmudic treatise of the same name—nothing else! *Temurah* is in pretty much the same case, and if we except the comparatively small portions dealing with matters of practical importance, which in other parts of the ה"ג are presented under the headings *מזוזה*, *ציצית*, *תפילין*, *עצרת*, the 110 folios of *Menahot* are reduced to a half-folio! Moreover, the variations between these sections of *Kodashim* in the two versions of the ה"ג are of so radical a nature that they can hardly be supposed to be of common origin. Though I am not in a position to give a plausible explanation of how these sections slipped into the ה"ג, yet the proofs demonstrating their spuriousness are too convincing to admit of any doubt.

To the questionable sections enumerated above we must also add the last section, *הלכות הספר*, a hodge-podge which in its present form cannot have originated with the author of the ה"ג. My supposition is that it is a composite of two independent sections, which in some way were badly mixed up with each other. The one probably bore the superscription as at present, *הלכות הספר*, the other *ה' ספר* = *הלכות ספרים*, "The Section on the [Biblical and Rabbinical] Writings." A copyist must have read the second as a single word, and, besides, confused the single letters ר and ד, so that the second superscription became identical with the first, and was dropped.

Rabbi Jehudai's work, which had to submit to these numerous interpolations, changes, and extensions, had to serve, besides, as the basis of two other books, retaining his name as author, viz., the *הלכות ראו*¹, called also *הלכות*

¹ Although a great deal in it is not in our present texts of the ה"ג, this does not prove that other works were drawn upon for it. As was remarked before, the ה"ג as we have it now is anything but complete. It is curious that Epstein should maintain that the passage on *השמיני* in *הלכות ראו*, 18, and *סר"ע*, 45 a, is not quoted from ה"ג, but from the ה"פ of Rabbi Jehudai; it occurs literally in ה"ג II, 148, and also in ה"ג I, 37 c, though in the latter place it is in shortened form, with *וכי*;

פסוקות, which has been edited by Schlossberg (Versailles, 1886), after an Oxford MS., and הלכות קצובות, which has been published by Horowitz in the first part of his תורתן של ראשונים after a Parma MS. (Frankfort-on-the-Main, 1881). The former, the הלכות ראו, is nothing more than a shortened Hebrew translation of parts of the ה"ג (so far as known, the first translation ever made from any language into Hebrew), while the latter, the ה' קצובות, is an attempt to give a *résumé* of the ה"ג, by omitting the Talmudic elements. According to a statement made by Rabbi Hai¹, this *résumé* of the ה"ג and others of similar character were not compiled until fully a century after Rabbi Jehudai's time, and then outside of Babylonia. He therefore warns students to be very cautious in using these abstracts of the ה"ג.

CODIFICATION NOT FAVOURED.

A century after Rabbi Jehudai, Rabbi Paltoi (died 858), the Gaon of Pumbedita, was asked what was more advisable to study, the Talmud or the Halakot taken from it and systematically grouped. His answer was, that they who devote themselves to the study of the Halakot only do not act properly, yea, it is forbidden to do it, for they diminish

Abudraham, 142, also quotes it from the ה"ג. That ה"ק and ה"פ respectively are based on ה"ג, and not the latter on the former, is proved by the fact that the old authorities speak of ה"ג קצובות and ה"ג פסוקות, meaning that ה"ק and ה"פ are taken from the ה"ג, Epstein, l. c., 64, quotes ה"ג קצובות from Mordecai, *Shebu'at*, 788, and emends it to הלכות קצובות, but the same expression occurs in many other places; comp., for instance, כ"י, 244, 416; and *Pardes*, 18 b. On a single manuscript leaf in the Jew. Theol. Seminary, containing the passage from Mordecai referred to, the reading agrees with that proposed by Epstein, but it seems to be a later emendation. Comp. שב"ה, 147: ובה"פ של ס' הזהיר!

¹ Comp. א"ו, II, 177 a. The enigmatic words מתא אקלמן in this Responsum by Rabbi Hai mean "City Secretary"; comp. in Harkavy, 86, the words of Rabbi Hai, מתא אקלמן, and אקלמן is only another way of spelling אקלמס, and the Responsum is cited as having been dictated by Rabbi Hai to the communal secretary. A less likely hypothesis is that אקלמס is to be read for מתא אקלמן, as *G. S.*, p. 37, which would indicate that the Responsum was directed to Rabbi Kalonymos, of Lucca.

the Torah, and in the Scriptures it is said, "It pleased the Lord, for his righteousness' sake, to magnify the law, and make it honourable" (Isa. xlii. 21). They do still more evil; it is they who cause the Torah to fall into oblivion. The collections of brief Halakot were not compiled for the purpose that they should become the real object of study, but for the purpose that one who has studied the whole of the Talmud, and has occupied himself with all its details, may consult the Halakot in case one or another thing seems doubtful to him, and he cannot explain it¹.

Rabbi Jehudai's work had a fate similar to the code of Maimonides later. Its practical advantages were so striking that the study of the Talmud was seriously menaced, and the Geonim very properly raised the voice of warning against it as an authoritative source replacing the Talmud as such. Rabbi Paltoi did not mean to deny the authority of the Halakot. He doubtless shared the universal admiration for their author. His aim was to make clear that the Halakot were not intended to supplant the Talmud², but only to supplement it, and the above characterisation of the ה"ג goes far to strengthen the position assumed by Rabbi Paltoi.

During a period of nearly two centuries, the interval between Rabbi Jehudai and Rabbi Saadia, we hear of no activity in the field of the Halakah. As we have seen, the Geonim were disinclined from the work of codification. Yet it must be considered that their time and energies were absorbed in giving replies to the questions of a

¹ A Responsum by Rabbi Paltoi in ה"ג, 110; in אשכול, II, 50, the question runs: להעמיק בהלכות או לעסוק בהלכות קצומה, which may be explained as asking which Halakot should be given the preference in study, the Halakot [Gedolot of Rabbi Jehudai], or the הלכות קצומה extracted from the former. The more probable meaning is that the first בהלכות stands for Talmud, the expression having been chosen under the influence of the following בהלכות.

² The judgment of Rabbi Paltoi on ה"ג is, *mutatis mutandis*, the same as that of the רא"ש on Maimonides' *Yad*; comp. the remark in his Responsum XXXI, 9.

practical and a theoretic nature put to them—replies which in part served the purposes for which one usually resorts to compendiums and reference books. What Müller says in his *Mafteah*, about Rabbi Natronai ben Hilai, Gaon of Sura, and a contemporary of Rabbi Paltai, that he compiled a series of *Halakot Keẓubot*, cannot be proved a fact, and in view of Rabbi Paltai's words, it is highly improbable. The "Brief Decisions" published by Horowitz in חש"ר, II, 5 et seq., after a Parma MS., are assuredly not attributable to Rabbi Natronai. They are a late compilation, without plan or system, of Geonic and old French¹ decisions. The Geonic portion is taken in large part from the Responsa and decisions of Rabbi Jehudai². Another portion may perhaps be traceable to Rabbi Natronai's Responsa as its source³. As for the superscription over this conglomerate material, חשיבות רר' נטרוניא נאן, it is, without a doubt, the invention of an untrustworthy copyist.

PRAYERS FIRST PUT IN WRITING.

Nevertheless, the time we are speaking of has a work to its credit which is closely akin to the Halakah, the *Seder Rab Amram*, originating about the middle of the ninth century. When Rabbi Jehudai ventured to set aside the old custom and permitted the writing down of the Halakah, the prayers still remained to a large extent under the ban against written transmission. A Responsum of Rabbi

¹ Rabbenu Gershom is mentioned by name, p. 7. The Responsum הפלוגה 6, is by Rashi, and may be found in ח"י צ"ח ו'ה"ר, 42, in a more correct form. Comp. Schorr, *He-Ḥaluz*, XII, 97.

² The brief oral decisions by Rabbi Jehudai in ג"ל, 45, are most of them to be found here again.

³ The decision (p. 8) regarding a priest who left Judaism for a time is an extract from Rabbi Natronai's Responsum in ח"ו, 54, and ח"ז, 8, quoted also in אשכנז, I, 28. Likewise, the decision, following close upon it, regarding any renegade who returns to Judaism, goes back to Rabbi Natronai's Responsum in ש"ץ, 24 b, 8. On the other hand, the Responsum on p. 12 regarding the sick man, contradicts the view of Rabbi Natronai as given in שב"ה, 42; comp., however, ח"ג, 48.

Jehudai's informs us that the Reader at the synagogue in his time was permitted to use a prayer-book on the Day of Atonement and other fast-days. Such leniency was not extended to the festivals—he was expected to recite the prayers by heart on them¹. At a time in which the Reader was obliged to recite the prayers by heart, it goes without saying that the members of the congregation surely had no prayer-books, or at least did not use them in public.

But it did not take long for the last remnants of the prohibition against the writing down of religious works to disappear. In a Responsum, Rabbi Natronai, whose period of activity is a hundred years after Rabbi Jehudai, discusses the question whether a blind man may officiate as Reader in the synagogue². He decides that there is no objection to his reciting the prayers, but he may not give the lesson from the Torah, because it is imperative that the latter must be read from the scroll. This reveals that, in Rabbi Natronai's day, the general custom was for the

¹ Müller, *Handschriftliche Jehudai Gaon zugewiesene Lehrsätze*, 10. Though Rabbi Jehudai was a Gaon of Sura, by education he was a Pumbeditan. Therefore it is not extraordinary for him to use the expression *הגו כן בשום יום* in his Responsum. It is interesting that opposition to the use of prayer-books should prevail as late as the time of Rabbi Ephraim, as appears from his remark in *שב"ה*, 12. The identity of this Rabbi Ephraim cannot be established with certainty. He is probably the pupil of Alfasi, and not the Rabbi Ephraim of Bonn who lived a century later. Buber, in his list of authors' names for *שב"ה*, attributes all the passages in the book to the former Rabbi Ephraim, but there can be no doubt that the Rabbi Ephraim in 33 is the German Rabbi Ephraim, as his correspondent is the German Rabbi Joel. From *אר"י*, I, 5b, bottom, it may be seen that no prayer-books were taken to the synagogue on week-days, though, to judge from the words of the author, this was not to be ascribed to scruples against the use of prayer-books. What Ibn Gajath says, in *ש"ש*, I, 62, regarding the recitation of the *'Abodah* on the Day of Atonement, does not prove that in his time it was not written down; it means that in some congregations it was recited only by the precentor, while the worshippers merely listened. Comp. also *שב"ה*, 58, *לגורם שליו צבור*, which also presupposes recitation by heart.

² Properly ascribed to Natronai in *ש"ה*, 245, and *א"ח*, I, 18 a, while in *א"י*, 42 a, Rabbi Jehudai appears as the author, which is not correct. The prayer-books mentioned in *G. S.*, p. 153, belong to the time after R. Amram.

Reader to use a prayer-book, else a congregation would not have been in doubt as to the fitness of a blind man, who could recite the prayers only by heart, for the office of Reader.

Of course, even after prayer-books had long been in use in Babylonia, there was no occasion for the Geonim to occupy themselves with the task of fixing the order of the prayers. With centuries of continuous development in Babylonia the conduct of the divine service lay in the hands of men who would do the right thing without the necessity of special instruction. Moreover, the judges and the other communal officials stood under the direct jurisdiction of the Geonim, who would be sure to watch over the divine service and its conduct in accordance with the accepted regulations. Of the three "Orders of Prayer," it is certain that two were compiled at the request of congregations outside of Babylonia. Rab Amram wrote his for the Spanish congregations¹, and Rabbi Saadia his for the Egyptian², and it is altogether probable that Rabbi Hai, too, did not arrange his *Seder* for Babylonia³. The countries outside of Babylonia lacked both historical continuity and a central body with acknowledged religious authority, and there were other circumstances, besides, standing in the way of securing an established order of the prayers. In spite of the high respect in which the Gaonate was held, the Jews of Europe and elsewhere were not altogether free from Palestinian influence⁴. In the department of liturgy this influence was most marked, for even after the disappearance of her Academies, Palestine still remained the home of the *Piyyut* and the prayers. In point of fact the chief work done by the Geonim with

¹ Explicitly stated by Ibn Daud, in his *הקדמה*, and demonstrable from the *Seder* itself.

² Comp. below, pp. 166-7.

³ For a hypothesis regarding the destination of Rabbi Hai's *Seder* see below, p. 175.

⁴ Rabbi Hai knew this very well, as is shown by his remark in Rabbi Isaiah di Trani the Elder, *כתר*, 42. Comp. also *ש"ש*, II, 55, where Palestinian customs in Spain are mentioned.

regard to the prayers was to guard the main, original prayers zealously against additions, and even so they were not wholly successful in warding off Palestinian influence¹.

Another current that threatened the stability of the order of prayers was Karaism, especially its feeble offshoots, which were close enough to Rabbinism to influence rather than repel it. The Responsum by Rabbi Natronai, in the *Seder Rab Amram*, 37 b-38 a, is an interesting exemplification of Karaite influence on the Rabbinical liturgy. The Haggadah fragment published in the *J. Q. R.*, X, 42, with its Rabbinic and Karaite elements, shows that this influence was so strong as to leave traces in literature.

Spain and Egypt were the countries in which these

¹ The many decisions of the Geonim, partly contradictory of one another, on the subject of insertions in the '*Amidah*', especially on the New Year's Day and the Day of Atonement, reveal unmistakable traces of a long struggle against the *Piyyut*, ending finally in a compromise. In general, the investigator gains the impression that the Geonim of Sura were by far more kindly disposed toward the *Piyyut* than those of Pumbedita, of which a comparison between the Responsum of Rabbi Natronai in ה"ג, 50, with one by Rabbi Hai in ה"ט, 252 (however, see l. c., 288), affords a characteristic illustration. It is difficult to see how Weiss, 118, succeeds in discovering a predilection for Kalir in Rabbi Natronai from his Responsum. Rabbi Natronai (in ה"ג, 50) names two *Piyyutim*, בקבוץ גליה and ברהקבץ גרולה, with disapproval. The second is probably identical with גרולה ברהקבץ by Kalir in the '*Amidah*' for *Purim* in the German ritual; and even the first, בקבוץ גליה, may be Kaliric, as Kalir seems to have written more than one *Piyyut* for the '*Amidah*' of *Tisha' be-Ab*. Comp. Landshut, עמדות העבודה, s. n. As for the influence exercised by Pumbeditan tradition on Rabbi Jehudai (see above, p. 120, n. 1), the fact is significant that he opposed any and every insertion in the '*Amidah*', according to the information given in *G. S.*, on p. 51. If the text of the רש"ש, *Berakot*, 34 a, and of שב"ה, 27, is correct, the opposition to insertions extended even to וכן הן שיהך, which, however, can hardly be so; it seems certain that it is an insertion made in Talmudic times. As for Egyptian conditions, it is to be noted that from rather early until comparatively recent times, both Palestinian and Babylonian synagogues flourished in Egypt, comp. *J. Q. R.*, XVIII, 11, 564; XIX, 460, *Benjamin of Tudela, Itinerary*, pp. 90-1, ed. Grünhut; Neubauer-Cowley, *Catalogue*, 238, no. 16; and Poznański, *Z. H. B.*, X, 145.

currents were distinctly noticeable¹, and they are the countries whence requests came to the Geonim regarding the order of the prayers.

THE LITURGICAL PART OF THE SEDER RAB AMRAM.

Exclusive of small sections of the prayer-book, the *Seder Rab Amram* is probably the first Order of Prayers issuing from the hand of a Gaon. His predecessor, Rabbi Natronai, sent to Spain a brief arrangement of the "hundred benedictions," published for the first time in *G. S.*, p. 119 et seq.² It is possible, too, that the Gaon Kohen-Zedek, officiating shortly before Rabbi Natronai, put a Passover Haggadah together³. But of a complete Order of Prayers not a trace can be found until we reach Rab Amram.

In its quality as the first *Seder* arranged by an acknowledged authority, Rab Amram's enjoyed greater consideration than any work of the Geonic period. While of Rabbi Saadia's *Seder* only a few quotations were preserved, and they by specialists in liturgy, so that it was until recently considered a lost book, there is scarcely any work of importance belonging to the centuries between the years 1000⁴ and 1500 that does not contain a reference to Rab

¹ The remark by Rabbi Samuel ha-Nagid in ס' הע"ב, 267, throws an interesting light upon the masked Karaism infecting Spain during the Geonic time. The Gaon Rabbi Natronai learnt about 'Anān's book of laws from the Spanish Rabbi Eleazar Alluf, ס'ר"ע, 38 a.

² Rabbi Natronai seems to have arranged also regulations for the readings from the Pentateuch; comp. ס'ר"ע, 29 a, and ה"ג, ed. Hildesheimer, 623.

³ Comp. ס'ט, II, 100, Marx, *Untersuchungen*, &c., 5-6, and Müller in *Handschriftliche Jehudaï Gaon zugewiesene Lehrsätze*, 17, where may also be found the information obtained from Derenbourg, to which he refers in *Mafteah*, 83. Harkavy's view, in *Saadia*, 144, deserves to be mentioned as a curiosity of literature. He says that נהן צדק and ר' משה, in ש"ש, i. e., are one and the same person, that is, Ibn Gajat is supposed to have called one person by two names in the same sentence! The מ"י מ"י"א א"י mentioned by Rabbi Saadia may perhaps be the maternal grandfather of Rabbi Sherira, מ"י"י (comp. above, p. 12, last line), of which מ"י"י is a variant form.

⁴ Rabbi Sherira, in ש"ר"ל, 111, is the oldest author who cites the ס'ר"ע.

Amram's *Seder*. Though it was prepared for the Spanish Jews primarily, it was used as extensively by the Franco-German authorities as by the Hispano-Provençal. From Rashi down to the anonymous fifteenth-century commentator¹ of the German prayer-book, published at Trino, 1525, the Franco-German scholars do not leave off appealing to the authority of Rab Amram. And the Hispano-Provençal scholars of the same period, from Rabbi Isaac Ibn Gajat down to Abudraham, likewise form an unbroken chain of authors deriving their information from the *Seder Rab Amram*. Besides, it is probably the only Geonic work of which four complete MSS.² have been preserved. Of Rabbi Saadia's we have a single one, and that imperfect.

This same circumstance, that Rab Amram's *Seder* was resorted to so zealously, carries with it a drawback. Due to it, we shall probably never know its true, original form. It was used until it was used up. To realise the whole extent of the problem thus forced upon us, we must remember that the *Seder* contains more than the prayers. They are accompanied by a continuous chain of important Halakot relating to the prayers. The introductory sentences of the *Seder*, the words of Rab Amram to Rabbi Isaac ben Simon, the addressee of the *Seder* Responsum, mention nothing about this Halakic exposition. His words are: "And relative to the prayers and benedictions for the whole year, concerning which thou didst make a request of me, it seemeth good to me to arrange them in order and send them to thee as they have been transmitted to us, the order of the Tannaim and Amoraim."

¹ The ס"ט is quoted in the commentary on the *Haggadah*, with the words בקצה סורי רב עמרם. Also in the brief observations preceding the prayers in מחזור רומניא the *Seder* is quoted. It ceased to be quoted only after printed prayer-books became common.

² On the MSS. comp. Marx, *Untersuchungen zum Seder des Gaon Rab Amram*, Frankfort-on-the-Main, 1908, which reached me while this book was going through the press. In the following pages MS. S stands for the Sulzberger MS. in the Jewish Theological Seminary of America, and MS. O for the Oxford MS.

An *argumentum ex silentio* like this may not be pressed too hard. It is to be assumed that the Spanish congregations did not ask the Gaon simply for a prayer-book. That they could have procured from any Babylonian Jew. They must have desired the valuable explanations and notes accompanying the prayers, and the Gaon, in his introduction, briefly spoke of the order of the prayers, which in his mind included the Halakot appertaining to them. Indeed, the probability is that the Spanish Jews laid more stress upon the Halakot than upon the prayers. On the whole, and certainly in all that was essential, the latter were settled everywhere according to local custom, which had too strong a hold upon the congregations to permit us to suppose for a moment that they would have given their peculiarities up for others, though the others had the high sanction of the Geonim. Furthermore, the quotations in the oldest authors that mention the *Seder*, Rabbi Sherira, Ibn Gajat, Rashi, and Albargeloni, are from the Halakic portions. This leaves no room for reasonable doubt that the *Seder* received its dual form from Rab Amram himself. The introductory words quoted above also show how untenable is the tradition reported by Azulai, in his *Wa'ad la-Hakamim*, s. v., which makes the *Seder* the work of the school of Rab Amram. This tradition probably originated in the fact that the name of Rab Amram is mentioned several times in the Halakic portions of the *Seder*, as are also decisions by authorities who lived after him, Rabbi Nahshon, Rabbi Zemaḥ, Rabbi Nathan, and Rabbi Saadia¹. If these decisions were the only alien elements in the *Seder*, we should wonder that a book so much used had come down to us in a comparatively unchanged form, rather than that it had received such additions. In fact, a critical examination of the *Seder* shows that it was abused to an extreme degree, and the

¹ In MS. O Rabbenu Hai is also quoted. Comp. Marx, *Untersuchungen*, &c., II.

portion that suffered most is the Order of Prayers specifically, rather than the Halakic explanations. In the following paragraphs proofs will be adduced—and they might be increased tenfold—to show that our present *Seder Rab Amram* has preserved a minimum of its original form, so far as the prayers themselves go.

The concluding sentence of אלהי נשמה in our *Seder* begins רבן כל המעשים ארון כל המעשים¹, while Abudraham¹, 27, gives ארון כל המעשים as the reading he finds in his copy, at the same time calling our form of it just quoted the custom of the “common people.”

The formula of ברכת התורה, as it now appears in the *Seder*, assuredly did not originate with Rab Amram. As is shown by the Responsum by Rabbi Natronai, *G. S.*, p. 116, line 3, the expression נותן התורה was used in Babylonia, instead of the . . . המלמד of the *Seder*. Rabbi Natronai's wording is corroborated by ה"ג, ed. Hildesheimer, 8. Rabbi Abraham ben Nathan states, in his *Manhig*, 9, that נותן התורה was used at his time in Spain, while a century later, as we can see from Abudraham, 30, the form of the Franco-German Academies was in vogue, which is the form that agrees with our printed text of the *Seder*. The version used by Rabbi Aaron of Lunel showed still another deviation from the original *Seder Rab Amram*. It had לעכוק בדברי תורה, instead of על דברי תורה, also to be ascribed to Franco-German influence².

The priestly blessing after ברכת התורה can be traced back at least to the time of Rabbi Jacob, the author of the *Tur*; he had it in his copy of the *Seder*. But the Responsum of Rabbi Natronai shows that it was not used in Babylonia. In the introductory note to the Responsum, in *G. S.*, p. 110, it is demonstrated that it was a French custom, and, therefore, is naturally missing in S and O.

¹ I quote from the edition Warsaw, 1877.

² Comp. פירוש, 41 c, where לעכוק is denominated a *Minhag* of Lorraine, as compared with the custom prevailing in Spain. MS. S has correctly נותן התורה. Comp. Marx, *Untersuchungen*, &c., 7.

Our text, 2 a, calls for the recital of the verses on the Sabbath sacrifices, while the *Manhig*, 9, indicates that the *Seder* provides for them also on the New Moon Day.

Abudraham, 37, accuses the "common people" of having twisted בשבחות ובזמירות, as correctly given in the *Seder*, into בשבחתי ובזמירתי, but our text agrees with the wording used by the people.

The שירה in our text of the *Seder* forms the conclusion of the פסוקי דזימרה, but we have a trustworthy tradition (ס' העתים), 249, that the recital of the שירה was unknown in the principal synagogues in Babylonia as late as the time of Rabbi Natronai, the immediate predecessor of Rab Amram. From another source, *R. É. J.*, XXIII, 234, we learn that the first one to introduce the שירה in Germany was Rabbi Moses ben Rabbi Kalonymos. All this would seem to point to the inevitable conclusion that the שירה in the *Seder Rab Amram* is not one of its original elements, a conclusion strengthened by the fact that, as is patent from the *Manhig*, 10 b, the שירה did not appear in the copy of the *Seder* used by the author of the *Manhig*¹. Indeed, the printed texts themselves betray that we owe the שירה to a copyist. On page 27 b, where the Sabbath prayers are recorded, the conclusion of the פסוקי דזימרה is properly given as . . . ומהללים.

The omission of the passage אור חדש at the end of the first *Shema'* Benediction cannot but be a correction made in accordance with the *Seder* of Rabbi Saadia. Rabbi Nahshon, the successor of Rabbi Amram, quotes this passage incidentally (ה"ג, ed. Hildesheimer, 224), showing that he was not aware of any objection thereto, and it was recited in Babylonian synagogues still later, in the time of Rabbi Sherira (שב"הל, 13). There is even an explicit statement that Rabbi Saadia could not make his opinion prevail in *Sura* itself. This brings out an interesting point in the history of the liturgy. It may not be out of place to dwell

¹ The MSS. have preserved the original text here only in part. See below, p. 144. Comp. also א"ה, I, 6 c, and *Maḥzor Romania*, under ישרתה in the Sabbath Morning Prayer.

upon it here. Originally the prayers connected with the *Shema'* contained no reference to the future, the Messianic, redemption. Zion, the Temple, and the restoration of the house of David were prayed for only in the '*Amidah*'. Gradually the three benedictions preceding the '*Amidah*' were subjected to insertions dealing with the redemption. As we have seen, Rabbi Saadia protested, though vainly, against the presence of אור חריש in the first *Shema'* Benediction. His objection was that the Benediction in question was intended to be a prayer in praise of the majesty of God revealed in the sun and the light of day, and a prayer for redemption could not be attached to it fittingly. The Benediction following the *Shema'* was originally a prayer of thanksgiving for deliverance from Egypt, and as is demonstrated in *G. S.*, p. 89, the insertions bearing upon the future redemption go back to the Geonic time, though they established themselves in opposition to Geonic authority, which was on the whole directed to the end of preserving the main, central prayers intact and unchanged. In this case, it seems their authority was here and there exercised unsuccessfully. The second of the *Shema'* Benedictions, the אהבה or עולם אהבה, also contains a reference to the future redemption which must be very old, seeing that no echo of any opposition to it has come down to us. The old dispute about the opening words of the *Ahabah* has nothing to do with the insertion of a reference to the future redemption¹.

¹ The supposition put forward by Dr. Elbogen, *Studien zur Geschichte des jüdischen Gottesdienstes*, 27, that the discussion on the opening words of the second *Shema'* Benediction actually turned upon the insertion of the *Geüllah*, seems to me untenable. If his supposition were correct, what explanation could be offered for the fact that all the liturgies preserved until our time, the Ashkenazim, Sephardim, Italiani, Romania, all have the *Geüllah* in this Benediction, though they differ as to the initial words. Furthermore, the Talmud itself, *Berakot*, 11 b, records a difference of opinion regarding the introductory words, but it is hardly possible that the insertion of the *Geüllah* could go back to the Talmudic time. Dr. Elbogen considers it inconceivable that so petty a variation as between אהבה רבה and עולם אהבה should have caused so much talk and

The fact that the shortened *Yozer* of the printed text is missing in the MSS. of the *Seder*, would by itself suggest the conjecture that it is derived from the *Seder* of Rabbi Saadia, even if the MS. of the latter did not contain it, and so make it a certainty. But the view that this *Yozer*, without a *Kedushah*, is the Palestinian, that is, the older form, is decidedly incorrect. The words of the *Tosefta*, *Berakot*, I, 9, 'והיה עונה עם המברך ק'ק'ק', leave no room for doubt—*Yozer* contained the *Kedushah* as early as the Tannaitic period, and the use of המברך in the *Tosefta* passage precludes the possibility of making the reference apply to the *Kedushah* of the 'Amidah'. המברך can only mean the recital of the *Shema* Benediction. The "praying" of the 'Amidah is always called המתפלל. The reasons given by Dr. Elbogen (*Studien zur Geschichte des jüdischen Gottesdienstes*, 20) for supposing that the shorter form of the *Yozer* was the original form, are inadequate. He says that an analogous case is not known, of curtailing a prayer once used in a long form. In reality there are at least three parallel cases: הבינו, the shortened 'Amidah for private prayer, originating in the Tannaitic time; the shortened 'Amidah for the congregation, originating in the early Geonic time, known to us from the *Eshkol* (I, 55) by Rabbi Abraham ben Isaac, who quotes it from Geonic literature; and the shortened grace after meals, which we have in three different forms, the one from the Talmudic time arranged for working men, and two later forms² for

discussion. From the ancients he might have invited the reply אם רק הוא ככה. In their sight it was not a petty difference, not any more insignificant than the much-mooted question whether ברכו should or should not close with המברך, about which we have varying opinions, beginning with the time of Rabbi Akiba (*Berakot*, III, 7), down to the last of the Amoraim (*ibid.*, 50 a; *Yer. Berakot*, VII, 11 c).

¹ The correct interpretation of the *Tosefta* passage may be found with so early an authority as ראב"ה, *Berakot*, 8 a.

² Besides the *בנין* of the Polish Rabbis of the sixteenth century handed down by Rabbi Joel Sirkes, in *בית הרש*, on א"ה, 192, there is a much older shortened form of the grace after meals in ארה' ה' I, 36 d, by Rabbi Aaron of Lunel.

various emergencies. The shortening of the *ברכה המזון* is particularly interesting, in view of the fact that the prayer was held to be Biblical, while all the others were based on Rabbinical authority only.

The reason for the abridgment of the *Yozer* is plainly stated—an individual may not recite the *Kedushah*. Dr. Elbogen maintains that this prohibition is a fiction pure and simple, based upon a misunderstood passage in the Talmud. Nevertheless, many of the Geonim, as well as most of the old authorities down to and including Maimonides, were actually of the opinion that the reciting of the *Kedushah* by a single person was forbidden¹, and from their point of view, whether correct or not, they were compelled to formulate an abridged *Yozer*. A difference of opinion existed only regarding the extent to which it should be curtailed. Rabbi Saadia, following the lead of the Talmud on *הבינו*, retained only the framework of the *Yozer*, he omitted the numerous embellishments attached to it, while others of the Geonim left the *Yozer* itself as unabridged as possible, even when it was intended for private devotion, and omitted only the *Kedushah*². I would venture a step further, and would assert that the *Kedushah* of the *Yozer* is the oldest form in which this prayer appears, the *Kedushah* in the *'Amidah* being specifically Babylonian³. This would be the only

¹ The views of the Geonim regarding this point are collocated by Dr. Büchler, in *R. É. J.*, LIII, 220-30. Maimonides, it is alleged, changed his view; comp. Caro, *Bet Yosef*, א"ה, 59. The long discussions on this point in the old authorities leave the impression that the old view, based upon the Talmud exclusively, was opposed to the recital of the *Yozer Kedushah* by the individual, and the other view came into vogue only through *טעמים*.

² It should be borne in mind that in the olden times an individual absented himself from the *הפלה* only if he had no time or if there was sickness, hence the aim to make the *הפלה* as short as possible.

³ In the *Midrash ha-Gadol*, I, 278, the following sentence is quoted from an unknown Midrash: *אלו ל' קדושות מלילי שנה לילי שנה*: that is, four *Kedushot* for each day, viz.: (1) *קד' יוצר*; (2) *קד' עמידה של שחרית*; (3) *קד' עמידה של מנחה*; and (4) *קד' עמידה של מנחה* on the Sabbath

way of making clear why the Palestinians, as late as the year 800, continued to offer strenuous opposition to the 'Amidah-*Kedushah* on week-days, which, as appears from *G. S.*, p. 48 et seq., was forced upon them by the Babylonians. If it had been an old constituent part of the daily service, what other reason would suffice to explain the omission of the holiest part of the 'Amidah in Palestine? It is even questionable whether the 'Amidah-*Kedushah* was known to the Babylonian Talmud itself. *Berakot*, 21 b, is not decisive. All that may properly be inferred from this passage is that in Babylonia, and perhaps also in Palestine, the third Benediction of the 'Amidah contained the trisagion, though not necessarily as an independent paragraph, as we have it in our *Kedushah*, but as an integral part of the Benediction, somewhat like this: קדוש אתה ונורא שמך בכתוב קדוש קדוש קדוש י"י צבאות מלא כל הארץ כבודו, corresponding to the closing sentence of the third Benediction for ראש השנה and כפור, on which days, in view of their judicial character, the verse Isa. v. 16 is used instead of Isa. vi. 3. This would serve also to make clear Rabbi Huna's point of view. As the passage in *Berakot* informs us, he had no objection to an individual's reciting the 'Amidah-*Kedushah* in his private devotion. Rabbi Huna subscribed to the accepted principle: כל דבר שבקדושה: לא יהא בפחות מ"י, but he saw in the 'Amidah-*Kedushah* only a part of the third Benediction, the קדושה השם, intended for private as well as public worship. Furthermore, it should be taken into consideration that the MSS. and the old authors did not have קדושה in this Talmud passage as in our text, but קדוש. Apparently, then, the

the *Musaf Kedushah* and the קד' וסדרא at the going out of the Sabbath. Accordingly, this Midrash did know the קד' וסדרא for the Sabbath Afternoon Service, which, as is shown in *G. S.*, pp. 288-9, is of Babylonian origin. The *Targum Sheni*, V, 1, has an interesting passage bearing on the subject: קדוש בכל יומא הלה ומיין: ישראל. At the time of this Targum, then, the קד' וסדרא formed no part of the regular public service.

¹ It is well known that the formula קדוש אתה was the old קדושה השם, and not קדוש אתה.

subject dealt with is not the *Kedushah*, but the words קדוּשׁ קַ"ק' in the third Benediction.

The 'Amidah-*Kedushah* received sanction and character as an independent prayer only under the influence of the Babylonian mystics. The conception conveyed by it is the mystical idea that God receives his "crown" from Israel as from the heavenly host, when they adore him by means of the trisagion¹. The old *Kedushah* contained nothing of this notion. It merely ascribed holiness to God in the words of the prophet Isaiah. It was against this mystical idea that the Palestinians during Geonic times contended inch by inch. First the Babylonians living in Palestine achieved their purpose of inserting the *Kedushah* in the Sabbath service, and this was far from being the only *Paitanic* addition made to it². In the end, the Babylonian *Kedushah* slipped into the week-day service as well. In Geonic times the Babylonian Jews living in Palestine played pretty much the same part as the Polish Jews in Germany during the last three centuries. Fault was found with them on all sides, but after all they were "the scholars," and, do what one would, their authority compelled recognition. Now, as the 'Amidah-*Kedushah* is the product of the Babylonian mystics, so the *Yozer-Kedushah* goes back to the Palestinian mystics. Josephus (*de bello Judaico*, II, 8, 5) says of the Essenes: "They speak not a word about profane things before the rising of the sun, but they offer up the prayers they have received from their fathers facing the sun as if praying for its rising." *Mutatis mutandis*, a *Yozer* is nothing but the prayer at sunrise, and if the liturgy preserved for us had not had a *Kedushah* in the *Yozer*, we should logically have been compelled to assume its sometime existence there.

¹ Comp. Bloch's essay on the יורוּי מרכבה in *Monatsschrift*, XXXVII, 305. Our author goes too far when he assigns the origin of the *Yozer-Kedushah* to the Babylonian mystics.

² Albargeloni, in ח' העשרים, 251, expresses his decided opposition to הבל יורוּ. Of course, his protest against this old insertion was vain.

In the whole of the prophetic literature there is nothing suitable for a *Yozer* except the glorification of the Lord by the celestial host, described by Isaiah, which we call the *Kedushah*¹.

Furthermore, the difference between the Palestinian and the Babylonian *Kedushah* calls for consideration. The *Yozer-Kedushah* like the Palestinian '*Amidah-Kedushah*' has nothing of the "crowning of God," which is so distinctly conveyed by the Babylonian '*Amidah-Kedushah*'. When the Palestinians, acting under compulsion by the Babylonians, accepted the '*Amidah-Kedushah*', they divested it of this mystical concept, and fitted it into the *Yozer-Kedushah*—additional evidence for the independence of the two *Kedushot*, for while the Babylonians know only the form with כתר for the '*Amidah-Kedushah*', no trace of the "crown" can be discovered in the *Yozer-Kedushah*, as, furthermore, the Palestinians have only נקריש or נקרישך for the '*Amidah-Kedushah*'².

The above exposition can lead to but one conclusion, that the *Yozer-Kedushah* is pre-Geonic and Palestinian, and as a consequence the short *Yozer* in the *Seder* is exactly what it is said to be, an abridgment for private worship, and not the original Palestinian *Yozer*. It is nevertheless indisputable that the short *Yozer* is not properly to be accounted an original constituent of the *Seder Rab Amram*. There can be no doubt that it was taken from the *Seder*

¹ Rapoport, *Biography of Kalir*, note 20, gives so convincing a statement of the connexion between the *Yozer* and the Essenes that nothing remains to be added to his words. Dr. Hoffmann, in the Introduction to the מדרש הנאים, goes so far as to conjecture that the Essenes were called הריסים after הרים "the sun," but this explanation of the expression מלה הריסים seems to me very forced. הריסים would rather appear to be nothing more than a variation of הריים. Then מלה הריסים would be a "Collection of Proverbs."

² Comp. *G. S.*, pp. 48-9, where the כתר formula is dealt with in detail. The statement made there that the Italian ritual, before being influenced by the Kabbalah, knew only כתר, is corroborated by the words in שב"ל, 13: שכשהגיע ההקלומר כתר. Comp. also Berliner Hoffmann, *Magazin*, Hebrew supplement אוצר מוב, 1886, p. 11, where כתר is given as the *Kedushah*, בנהג ערבי.

of Rabbi Saadia. Not only is it missing in the MSS. of the *Seder Rab Amram*, but we know from Bondi, *Siddur des Rabbi Saadia*, 13, that this short *Yozer* is actually in the MS. of the *Seder* of Rabbi Saadia¹.

Whether the formula אהבה רבה for the second *Shema* Benediction is really traceable to Rab Amram, is questionable, for as late as the time of Rabbi Sherira and Rabbi Hai it began with אהבה עולם everywhere in Babylonia except in the synagogue of Kohen-Zedek, and there is no likelihood that Rabbi Amram would have given a decision deviating from the universal Babylonian custom. It seems that we have again met with a "correction" made for the purpose of bringing the *Seder* into agreement with the views of the Franco-German authorities².

The addition of מוריד הטל for the summer is mentioned by Rabbi Abraham, in the *Manhig*, 16, as a Provençal custom, not known to the *Seder Rab Amram*; yet in our text of the *Seder* it is given³.

Abudraham, 67, speaks with disapprobation of the "common people" who say קדושה דסדרא ולעלמי עלמא in the *Seder Rab Amram* has it. Again our text agrees with the supposed preference of the common people.

The addition to the *Geüllah* in the Evening Service in our text of the *Seder*, 19 a, is most suggestive. Rab Amram (6 b) is peremptory in opposing the insertion of the idea of the future redemption in the *Geüllah* of the Morning Service. It is absolutely inconceivable that he would have

¹ From רש"ר, I, 52, it may even be gathered that the short *Yozer* in the *Seder* read other than in our text.

² It is true, so early an authority as the Gaon Rabbi Ḥanina, the disciple of Rabbi Jehudai, expressed himself in favour of אהבה רבה; comp. דה"ט, 125. But the statement . . . והנהנו מכאן ואילך is contradicted by Rabbi Sherira. It may be that the *Minhag* was changed in the later time of which Rab Sherira speaks.

³ Accordingly, Rapoport (*Kalir*, note 33) is not right when he says that Kalir and the Sephardim agree in having בל for the summer, as the old Sephardic ritual did not have it.

been so inconsistent as to permit its insertion in the Evening Service. Moreover, from the Responsum by Sar Shalom given in *G. S.*, p. 91, it appears that the insertion originally had its place in the *Geüllah* for the morning. It is therefore probable that it occupied this place in the copy upon which our text is based, as, indeed, the amplified *Geüllah* was most generally identified with the Morning Service¹. But the copyist of the *Seder* could not stultify himself to the extent of giving the expanded *Geüllah* side by side with the Gaon's disapproval of it. Hence the insertion disappeared from the Morning Prayer, while, in the Evening Prayer, there being no remark of Rab Amram's to deter them, the copyists followed the custom with which they were familiar in the *Geüllah* for the evening. Now, as neither the Sephardim nor the Ashkenazim in later times had an amplified evening *Geüllah*, the inference is that the model for our text of the *Seder* must have been an old Spanish prayer-book containing these additions. As for their origin, the Genizah fragment enables us to say with certainty that they came from Palestine, whence they reached also the Morning Service in the old Orders of Prayer of the Ashkenazim and Sephardim, from which the opposition of the Geonim did not succeed in removing them entirely. Hence the fact that the insertion in the *Geüllah* is missing in the Sulzberger MS. of the *Seder* proves nothing with regard to its high antiquity as compared with the printed text. It belongs to a time in which the amplified *Geüllah* was no longer a general custom, and the copyists of the *Seder* therefore had no occasion to put it into their copies.

For the endeavour to arrive at a valuation of our text, the *ק"ש על המטה*, 19 b, is of great importance. In the Genizah fragment published by Professor Schechter in the *J. Q. R.*, X, 655, there is a *Shema*' Benediction before *ברכו בא"י אמ"ה אקב"ו להמליכו בלבב שלם ובנפש חפצה*. Recently, another Genizah fragment was reproduced

¹ Comp. the Genizah fragment in *R. É. J.*, LIII, 236.

in the *R. É. J.*, LIII, 240-1, by Professor Lévi, and it contains a Benediction with almost absolutely the same wording. The accepted opinion is that this Benediction was unknown hitherto, until the publication of these two fragments. No explanation came readily to hand when and why this special *Shema'* Benediction was added to the other two of Tannaitic origin. Another striking point is that this Benediction is not directly before the *Shema'* in the two Genizah fragments, but before ברכו. Does it seem reasonable to suppose that a *Shema'* Benediction was recited before ברכו?

Light is thrown upon the bearing of this Benediction by a Responsum of Rabbenu Hai's, and by the remarks of a number of the old authorities about the *Shema'* Benediction before bedtime. Rabbi Hai, ש"ת, 57, decides against the use of בא"י אמ"ה אקב"ו על קרית שמע ולהמליכו באהבה before the ק"ש על המטה. Thus it appears that the *Shema'* Benediction of the two fragments contains nothing new. It is merely a variant of Rabbi Hai's form, a form to be found also in ארח' חיים, I, 43 c, Abudraham, 23, and 'Ittur, II, 34 c¹. Its import is conveyed to us in an observation made by Rabbi Asher ben Yehiel, on the beginning of *Berakot*, which is repeated by his son Rabbi Jacob, in *Tur, Oraḥ Hayyim*, 235. According to a well-known custom² the Evening Prayer was said at the synagogue immediately following upon the Afternoon Prayer, even if night had not yet set in. This necessitated the repetition of the *Shema'* after nightfall. As the Rabbinical injunction requires its recital at *night*, the authorities insisted upon its being said before going to bed, even if it had been prayed at the synagogue in the Evening Service. Some

¹ Comp. also שב"הל, 40, and *Tosafot*, on *Berakot*, 2 a, catchword באימה, end, and *Hullin*, 105 a, bottom.

² This custom must have arisen in Palestine and spread thence to the European countries, but it gained no foothold in Babylonia, on account of the opposition of the Geonim. Comp. Rabbi Hai's Responsum in ג"ב, 78; and ש"ת, 76; quoted also by many old authorities.

ordered, that with the *Shema'* the two Benedictions also were to be repeated¹, for the reason that they, too, had been recited in the synagogue before nightfall. Rabbi Amram, however, says Rabbi Asher, was of opinion that it was not obligatory to say over again the *Shema'* Benedictions in their full wording. A brief Benediction, according to the usual formula of the *ברכות*, sufficed. There can hardly be a doubt but that Rabbi Asher found this view of Rabbi Amram's in his *Seder* under *על המטה*. In our text it is missing, in consonance with the opinion of the later authorities², who permitted neither this nor any other Benediction in connexion with the *על המטה*. There is only one MS. of the *Seder* in which the abbreviated Benediction appears, the Oxford MS. Even there, however, it seems probable to me that the passage *וקורם קריאתה וכו'* was not derived from the *Seder*, but from some other source. My reason is that as it now reads in the Oxford MS., it contains a *contradictio in adjecto*. If stress is laid upon the recital of a Benediction before the *Shema'* at bedtime, and if stress is laid upon it for the reason that the Evening Service is held before nightfall, the appointed time for the *Shema'*, then it would follow that the whole *Shema'* should be repeated, not merely the first *Parashah*, as our text and the Oxford MS. provide³. It is also worthy of note that the passage in question is not in its proper place in the Oxford MS. It should have read *ומברך לקבל עלינו מלכות שמים שלמה וקורא פרשה ראשונה מן שמע עד והיה אם שמע ומברך*. The original *Shema'* Benediction before *על המטה*, which was nothing but an equivalent for the two long Benedictions which accompanied the *Shema'* when it was recited before nightfall, was looked upon later as a special Benediction⁴ for *על המטה*, without reference to the time of saying the *Shema'* in the

¹ Comp. הלמיד ר' יונה, *Berakot*, beg., and Caro, *Bet Yosef*, א"ה, 235.

² Comp. *Tosafot*, *Berakot*, beg., and Albargeloni, quoted in שב"ה, 40.

³ Comp. Rashi and *Tosafot*, *Berakot*, beg.

⁴ Thence the opposition of Rabbi Hai to this Benediction; he says, מפני שק"ש על מצתו רשות הוא

Evening Service, whether after or before nightfall. This is the conception that finds expression in the Oxford MS., as it does in later ritualists, and it is a conception that is not wholly in accord with Rab Amram's view.

This analysis enables us to understand the *Shema'* Benediction in the Genizah fragments. A substitute for the prescribed *Shema'* Benedictions in the evening was a common expedient in congregations where the Evening Service took place in the synagogues before nightfall, as was the case outside of Babylonia¹. But there were circumstances requiring an alternative Benediction even in the Morning Service, either for an individual who had time only for the *Shema'*, but not for the whole Morning Prayer, or for the whole congregation on fast days and holidays, on which the elaborate service was so long drawn out that the *Shema'* might fall beyond the proper time². In such cases, and similar ones, *Shema'* was recited in private devotion before the regular service, with the short Benediction in the Genizah fragments. For this reason it is not given as a *Shema'* Benediction after אהבה רבה or אהבת עולם, but as coming before ברכו, because only an individual, and he only if he does not recite שמע, is to recite the short Benediction. It is, in fine, a special Benediction, which really should have no place in a regular Order of Prayers.

It is highly probable that the introduction of *Shema'* with the three words אל מלך נאמן is only a remnant of this very *Shema'* Benediction. The opposition to it must have been strong enough to force out שם ומלכות, which was replaced by אל מלך. Accordingly, the complete introduction must have run thus at some time after שם ומלכות was omitted: אל מלך נאמן נמליכך בלבב שלם ובנפש חפצה: and all that remained of it were the first three words.

¹ Comp. above, p. 137, n. 2.

² Comp. *Yer. Berakot*, I, 3 c; the Geonic Responsum quoted in Albargeloni, ס' העתים, 255; ס"ט, 3 a, and א"ה, I, 6 c.

An old addition, derived from the Sephardic prayer-book, is the congregational prayer *ישתבח שמו*, 27 b. So early an authority as Albargeloni had it in his copy of the *Seder Rab Amram*, as he tells us in ס' העתים, 250, while *Ṭur, Oraḥ Ḥayyim*, 57, reports the reverse about his copy. That it was missing in the model for our text is evident from the fact that it does not appear in the Week-day Service, though there is no reason for reciting this prayer on the Sabbath exclusively¹.

The order of the verses *צדקתך צדק . . . וצדקתך וכו'* is stamped as incorrect by Abudraham, and he recommends that they be recited as they succeed each other in the *Seder Rab Amram*. But our text has the repudiated arrangement, except in the New Year Service, where the order is that recommended by Abudraham.

What Rabbi Abraham ben Nathan says in his *Manhig*, 33 a, makes it plain that in his copy of the *Seder* the Talmud sections are not set down to be recited at the end of the Afternoon Sabbath Service, and the passage *פרקי—זינא* is properly enough found to be missing in the Oxford and the Sulzberger MSS.

The formula for *אתה חונן* at the end of the Sabbath, as given in our text, differs from that quoted in the *Manhig*, 33 b, from the *Seder*. As Maimonides agrees with the *Manhig*, it remains only to assume that our text was shortened in this passage.

The prayer . . . *אי"א החל*, on page 31 b, is known to the *Manhig* only as a Spanish custom, and to justify it the author resorts, not to the *Seder*, but to a *Yerushalmi* passage, and we may be sure that it did not occur in his copy of the *Seder*. This throws doubt upon the authenticity of the whole section, from *אישבעית* until *לישועה*, all the more as it is missing in the Oxford MS. That it is, in spite of this, an addition of respectable age may be inferred

Albargeloni, it is true, deals with the Sabbath Service, but it is fair to assume that he had *ישתבח שמו* of the Week-day Service also before him. The editor of the ס' העתים observes that it is not contained in our כ"צ!

from its being quoted from the *Seder Rab Amram* by Ibn Gajat, ש"ש, I, 15, as the *Tur, Oraḥ Ḥayyim*, 299, does also. Nevertheless, it is recognised as an interpolation by the circumstance that it is a piece put in between the *Habdalah* and the draining of the *Habdalah* cup. It does not seem likely that between the Benediction over the wine and the drinking of the wine itself so long an interval would be interposed as is required for the recital of this piece, the rule being that a Benediction is to be followed at once by the enjoyment of the food and drink over which it is said. It is therefore much simpler to assume that it was taken from some other source, and as the copyist could not well attach it to the Halakic portion of the *Seder*, there was nothing for him to do but join it to the *Habdalah*.

On 41 b, in the Order of Prayers for the second day of the Passover, the counting of the 'Omer is missing. Yet it was present in the copy of the *Seder* used by Rabbi Aaron of Lunel, as appears from a remark of his in ארחה חיים, I, 84 a.

As an adjustment in conformity with the Sephardic rite, we may consider אֵל חַי וְמֵן in the first Benediction of the 'Amidah for the New Year, which Abudraham attributes to the ignorance of the people. He accuses them of having changed this Benediction as given in the *Seder Rab Amram*. Our text again agrees with the custom of the ignoramuses. If we call to mind how zealous the Geonim were in denouncing any change in the 'Amidah, there can be no doubt as to the correctness of Abudraham's version of the *Seder* in comparison with our text.

Another change in the 'Amidah for the New Year is the insertion of יוֹם טוֹב מִקְרָא קֹדֶשׁ. Of the *Seder Rab Amram* it did not form a part, for which we have the clear testimony of the author of the *Manhig*, 52-3. It is a peculiarity of the Spanish liturgy, and our text was here subjected to an importation from it.

The remark made by Ibn Gajat on the changes in the 'Amidah prescribed by Rab Amram for the Ten Peni-

tential Days (ש"ש, I, 45) proves the sentences להיום—להיום, 45 a, to be an addition from the Spanish *Mahzor*.

The Benediction over the *Shofur*, in the copy of the *Seder Rab Amram* used by Ibn Gajat, read לתקות (ש"ש, I, 261), while our text offers the formula prescribed by Rabbenu Hai. On the other hand, the שב"ה לקצר in his copy of the *Seder* had the words לתקות טעות היא. One must despair of establishing the wording of this Benediction original to the *Seder*.

The prayer איהילה is properly missing in the printed text, 27, while the MSS. Oxford and Sulzberger contain it as an addition from the Sephardic *Mahzor*. It is, doubtless, of Palestinian origin, as can be seen from the *Mahzor* Romania, where it has a place in the Daily Prayer. Besides, the closing Benediction בא"י למדני חקיק is known to us to have been used as such through a passage in the *Yerushalmi Berakot*, I¹, and accordingly belongs to the remnants of the Palestinian liturgy, which have been preserved among the Sephardim, Ashkenazim, and Italiani.

The words שגרו מתיבתא הקדושה², on 47 a, make it seem

¹ Not in our text of the *Yerushalmi*, but in the text used by the old authors. Comp. Ratner, אהבה ציק ירושלים, 33-4. Maimonides also has this formula, as well as Rabbi Saadia, in his 'Abodah given by Dr. Elbogen in his *Studien*, &c., 122. Curiously enough, Dr. Elbogen overlooked this, on p. 70, n. 1.

² Weiss (IV, 49) reproaches the Geonim for calling the Academy ישיבה הקדושה. However, it is not the Geonim who use the expression, but the scholars outside of Babylonia (R. Ibn Abitur and Moses ben Enoch, in ש"ש, 4 d, 29; 30 a, 9) or the correspondents of the Geonim (ש"ש, 9). In the latter passage, the question contains the words: איך המנהג בישיבה הקדושה: while the Gaon's reply was the simple מנהגנו. Likewise in שב"ה, 172, מתיבתא הקדושה is a remark made by the compiler of the Responsa. In general, the Geonim either cite decisions by other Geonim or the custom of the Academy, but never a decision of the Academy, which, indeed, would have been odd coming from a Gaon, as all decisions were supposed to be issued by him and not by the Academy. In גב"מ, 44, מתיבתא הקדושה in Rabbi Sherira's reply is only a verbatim repetition of the expression employed by the questioner. It is interesting that in the Responsum by Rabbi Sherira and Rabbi Hai jointly, found in the Responsa Collection of Rabbi Solomon Ibn Adret, V, 25, a-b, n. 121, the question contains the expression ישיבה הקדושה, while the answer has instead of it ישיבה שלי.

very likely that כל נדרי was missing in the original *Seder*, for these words were never used by the Geonim. If, besides, we take into consideration that כל נדרי was unknown in Babylonia, as we are told by the Geonim of Sura and of Pumbedita without a dissenting voice¹, the probability of its not having formed a constituent part of Rab Amram's *Seder* rises almost to certainty. There would be no explanation to offer for Rab Amram's procedure in first putting it into his *Seder*, and then characterising it as a "foolish custom." We probably are troubled by two additions derived from different sources. The first addition, the כל נדרי itself, came, in all likelihood, from the *Seder* of Rabbi Saadia, and to this was joined, as a second addition, the disparaging criticism upon it made by Rabbi Natronai, introduced by the words ממהיבחה שגרו והקדושה.

To the Spanish *Mahzor*, again, the prayers יעלה ויבוא and מלוך, on 48 a, are attributable. As we learn from explicit statements in Ibn Gajat, ש"ש, I, 61, and *Manhig*, 60, it was Rab Amram's opinion that these prayers were not to be said on יום הכפורים. The author of the *Manhig*, and Abudraham as well (133), add that none but the Spanish rite differs from Rab Amram. This point affords a striking illustration of the heedless way in which the copyist to whom we owe our text set aside the real *Seder* of Rab Amram. On 47 a, where a list of the initial words of the prayers for ייהב"פ is given, he followed his model implicitly. There he included neither יעלה nor מלוך. But two pages further on he could not refrain from setting down what he was accustomed to connect with the services of the day.

Our text contains no alphabetical על הטא, yet Abudraham, 153, cites one from the *Seder Rab Amram*.

The prayer for a mother on the day when the child to

¹ Comp. ש"ש, I, 60-1. Rabbi Saadia is the only one who knows *Kol-Nidre*, whence it follows that it was of Palestinian origin, as the *Seder* of Rabbi Saadia follows the Palestinian customs closely; comp. below, pp. 166-7. Concerning the opposition of the Geonim to נדריה, comp. above, p. 96, n. 1.

which she has given birth is circumcised, 52 b, is a later addition, as was proved by the present writer in the *Z. H. B.*, IX, 106. The Geonic sources mention a prayer for the child, but none for the mother.

The Benediction to be said at the circumcision of a proselyte, and of a slave, as set down in the *Manhig*, 98 b, from the *Seder*, is not in agreement with our text, which should probably be modified according to the *Manhig*.

In view of all the passages instanced, it would be a wilful perversion of judgment to make an inference regarding the nature of the Geonic liturgy from the recensions of the *Seder* at present available. Our printed text cannot be looked upon as anything more or less than a Spanish Order of Prayer with some additions from the real *Seder Rab Amram*. The same characterisation applies also to the MSS. Sulzberger and Oxford¹, though they deviate here and there from the printed text. Of the two MSS. the Oxford apparently is a more recent version, the insertions in which may have been taken from the *Seder* of Rabbi Saadia. This supposition is strengthened by the long passages, given by Marx, *Untersuchungen*, &c., Hebrew part, 4, 6, 18, which are said expressly to have been derived from Rabbi Saadia, and p. 11, relative to רצה, which is quoted by various authors with the name of Rabbi Saadia attached to it². The grace after meals in the MSS., having the same wording in the two, is also more recent than the printed text of the prayer, as is shown by ברכת המזון לאבל given at the end of the *Seder*. The prayer after צדוק הדין in the Oxford MS. is doubtless a later addition³. Rab Amram would scarcely have sent the Spanish congregations more than the main prayers. Hence the difference between the forms of the תחנות in

¹ I have given the prayers in them only a cursory examination, but I am convinced they agree with the printed text in all essentials.

² Comp. Müller in *Œuvres Complètes de R. Saadia*, IX, 156.

³ The sentence (28) סהרו לו . . . מלאכי occurs almost literally in an epitaph at Brindisi, of the year 833, published by Ascoli, *Inscrizione*, 66. Comp. also ס"א, II, 635.

the printed text and the MSS., as none of them were contained in the original *Seder Rab Amram*. There is, of course, no need to lose time in adducing proofs that the addition to *Nishmat* in MS. Oxford (24) is a late insertion, nor that the extracts from the *Hekalot*, to be found only in the printed text, most probably were not of the original constituent parts of the *Seder*. It is significant that while the Oxford MS. has no שירה in the Week-day Service (p. 3), it has it in the Sabbath Service (13), exactly the reverse of what we find in the printed text. As has been demonstrated, Rab Amram did not have the שירה in his *Seder*.

THE HALAKIC PART OF THE SEDER RAB AMRAM.

It now behoves us to explain how it happened that of all old works the *Seder Rab Amram* was subjected to such peculiar treatment. Like the others it suffered additions to its essential, original form. But that is not all—the essential original form itself was not left intact, it was so modified, abridged, and extended, that we now have very little of what it was in the first place, when it left the hands of Rab Amram. Prayer-book making among Jews is a wholly modern trade. Rab Amram did not, by any manner of means, write a prayer-book. He merely sent the Spanish congregations the prayers prayed in Babylonia, well knowing that, to use a Talmudic phrase, “every stream has its own current.” He had no intention of forcing Babylonian rites upon Spanish congregations. Incorrect readings, which had crept into some of the prayers in the course of the centuries, were rectified in the Halakic notes accompanying them, and at the same time the notes served to state the principles which had guided the Tannaim and Amoraim in settling the form of the prayers, and which still were to be applied as norms. These explanations of the Gaon subjoined to the prayers were the important part of Rab Amram’s Responsum for

the Spanish Jews. There was no disposition on the part of the latter to abolish their local rites, but when the congregations had differing customs, or in doubtful cases, the directions of the Gaon were resorted to, consulted, and applied. The main task of the copyists, employed by those interested in spreading the *Seder*, consisted not in reproducing the prayers, but in recording the Halakic directions and the important variations from their prayers given by Rab Amram. In this way we have come into possession of Spanish prayer-books embellished with additions from Rab Amram's *Seder* as well as his Halakic instructions. Similarly, the Germans had their *מחזורים דרב עמרם*¹, prayer-books embodying their liturgy together with the Halakic portions of Rab Amram's *Seder*². Of the same class is the *Mahzor Vitry*, which contains the major part of the Halakic element of the *Seder*, but in the prayers themselves it follows the French ritual. In view of the close relation subsisting between some of the prayers and the Halakot accompanying them, it may be assumed, without further evidence, that the Spanish congregations, and here and there others as well, yielded to the great authority of Rab Amram, and made changes in their liturgy in consonance with his directions, such as the excision of the reference to the Messianic redemption from the *Geüllah*, which, as was demonstrated above, existed in the old Spanish forms of the prayer. Occasionally, compromises must have been made between the local custom and the version recommended by the Gaon. When we find the Sephardim using *כתר* for the *Musaf Kedushah*, and *נקרישן* for the *Kedushah* of שחרית, it is fair to conclude

¹ א"ו, I, 26 b.

² Naturally, many a Halakah was given a place in the *Mahzorim* that had the sanction neither of Rab Amram's name nor any other Gaon's. Hence, quotations from the ס"ע in the works of the German authors that cannot be traced. For instance, a contemporary of Rashi's grandsons (3, רה"ש ח"צ ו') cites the הלכות חלה of Rab Amram, of which not a trace can be found in the ס"ע, and probably it never existed there.

that we have an instance of an attempt at amalgamating different rituals¹.

The influence of the Babylonian ritual must, therefore, have been strongest in Spain, whither the *Seder* was first taken, which, however, did not hinder it from asserting itself among the Franco-German Jews. In pursuing this line, it must be borne in mind that frequently what is denominated the custom according to the *Seder Rab Amram* is nothing but the old Spanish rite, which agrees with the old Ashkenazic rite, both derived from Palestine².

While the liturgical part of the *Seder* was badly abused by the copyists, the Halakic part has reached us in comparatively good condition. After what has been said, the reason is patent. The prayers the copyists knew by heart, and they paid little attention to their model. They wrote as their memory dictated. Besides, they knew that the value of their work was concentrated mainly in the copying of the Halakot. To these they therefore devoted conscientious care. It was inevitable, of course, that in spite of all attention, even this portion of his *Seder* should receive additions from other hands than Rab Amram's, and, also, several Responsa by him, which he seems to have addressed to Spanish scholars independently of the *Seder*, have been inserted at suitable places. For instance, the Halakot on pp. 26 a-b, bearing the name of Rab Amram, are abstracts

¹ Comp. *G. S.*, p. 49.

² The great respect enjoyed by the סר"ץ among the Franco-German Jews is apparent from the words of Rabbenu Tam, in ה' הישר, ed. Rosenthal, 99, in which he maintains that the *Seder* was the chief source for the prayers. Rapoport, ה' ר' נק, note 29, goes too far, however, when he says that the Germans were the only ones to accept the *Seder Rab Amram*, excluding the Spaniards as he does. Yet his instinct was correct in laying stress upon the influence exercised by the סר"ץ upon the German liturgy. In his polemic against Rapoport, Weiss, *Dor*, IV, 121-2, is less close to the truth when he deduces the dependence of the Sephardic ritual upon the סר"ץ, from the agreement between the former and our text of the *Seder*. We have seen that the relation is exactly the reverse. Furthermore, Weiss is mistaken in calling Maimonides' *Seder* Sephardic it is Egypto-Palestinian.

of Responsa of his addressed to the congregation of Barcelona, ג"ל, 56-7. Ibn Gajat, ש"ש, I, 10, and Rabbi Abraham of Lunel, *Manhig*, 26 a, quote these passages, but it is doubtful whether they knew them from the Responsa as such, or from the *Seder*¹. The sentence פניהם — וכך, 37 b, did not occur in the *Seder* used by the author of the *Manhig* (43 a); it is obviously a gloss calling attention to a Responsum of Rab Amram's, which gives support to this peculiar custom by means of the authority of the *Yeshivot* and the Geonim² — authentication which was all the more pertinent, as not only did the European Jews know nothing of the recital of סליחות on *Purim*, but also the Geonim themselves were far from unanimity upon the point, as appears from *Tur, Orah Hayyim*, 693. It would seem that the custom prevailed only in Sura; in Pumbedita no סליחות were prayed on *Purim*. So far as Sura is concerned, the testimony of Rab Amram is reinforced by the fact that Rabbi Saadia himself composed סליחות for *Purim*, published by Professor Schechter, *Saadyana*, 49-50. There is the possibility, of course, that these סליחות may have been intended for תענית אסתר. The sentence ישיבות — אע"פ, on p. 32 a, is taken from a Responsum by Rab Amram, quoted in full by the author of the ש"ב"ה"ל, 102³.

Additions from the *Seder* of Rabbi Saadia occur in three places in the printed text of the *Seder Rab Amram*, 4 b (*bis*), and 52 a. But, as was observed above, the MSS. do not contain the first two insertions, and as for the third, we know that it did not appear in the copy used by Ibn Gajat, as can be inferred from his words at the end of ש"ש, I. It seems to have been taken from the ארחות חיים, 26 c, which cites the opinion of Rabbi Saadia in opposition to Rab Amram's.

¹ In ש"ה"ל, 54, it was doubtless taken from a Responsum, and not from the *Seder*.

² By a slip the author of ש"ה"ל, 157, writes הוציא והמוראין! For the meaning to be attached to הוציא in this sentence of Rab Amram's, see above, p. 24, n. 1. On p. 29 of the ש"ה"ל it has, properly, המוראין without הוציא.

³ Comp. also Hazan, איי הים, 45 a.

If the superscription (14 b) פומבדיתא — רב צמח is correct, then, naturally, we are dealing with an addition, as it is very improbable that Rabbi Zemaḥ could have been quoted by Rab Amram. But one cannot help being assailed by doubts as to the correctness of the superscription. It is not impossible that the abbreviation 'ר' צ', standing for רב צדוק, was improperly interpreted as ר' צמח, and then, to complete the verisimilitude, היא פומבדיתא was added after ישיבה, as Rabbi Zemaḥ was Gaon at Pumbedita. Originally, it must have read ר"צ ראש ישיבה נאון יעקב, without specifying the Academy. As was demonstrated at length above, only the heads of the Sura Academy bore the title Gaon. At first, and even later, when the heads of the Pumbedita Academy were already called Geonim, a distinction was still made between the נאון יעקב, the head of Sura, and the Gaon of Pumbedita, who were only ראש הישיבה של גולה. As early as Talmudic times (*Rosh ha-Shanah*, 23 b), גולה was synonymous with Pumbedita². Later copyists, especially those in countries remote

¹ 9a, has the reading יצחק צמח, plainly traceable to the abbreviation ר"צ, for which the copyists had two explanations, ר' יצחק and ר' צמח. That בשיבה היא פומבדיתא is a later addition is confirmed by אשכול, I, 33, where it does not appear. The names יצחק and צדוק are often confounded. Comp., for instance, *Mekilta, Jethro*, I, and *Sifre, Deut.*, 38. In both places צדוק is to be read instead of יצחק, as appears from *Kiddushin*, 32 a. The name of the Gaon Zadok is misread for יצחק in *ה"פ*, 56, *ה"ח*, II, 414, *ה"ה*, 211, and in many other places. Comp. also Zunz, *Gesammelte Schriften*, IV, 274. MS. O reads נאון בישיבה.

² What Maimonides (Commentary on *Bekorot*, IV, 4) has to say on the use of these two titles at his own time is particularly interesting. He informs us that while ראש ישיבה נאון יעקב was used in Palestine, the Babylonians bore the title ראש ישיבה של גולה. The reason for the differing practices is obvious. In Palestine they tried to perpetuate the original title of the Gaon, while in Babylonia the title of the head of Pumbedita was continued, as this Academy survived that of Sura by two generations. The Hebrew text of Maimonides is corrupt. It reads ארץ המערב instead of בגל. The Arabic text published by Löwenstein, Berlin, 1897, p. 22, has the correct reading אלצראק, and the same is to be found in the MS. of the Arabic text of the Maimonides commentary in the Jewish Theological Seminary of America.

from Babylonia, did not distinguish the Geonim from each other by their exact titles. The mistake having been made of reading ר"צ as ר' צמח, the expression ראש ישיבת נאון יעקב was retained, while the words היא פומבדיתא were added: they bear plainly the earmarks of an explanatory gloss.

The same error of interpreting an abbreviation incorrectly may have changed ר' נטרונאי, 4 b, into ר' נחשון¹.

It is a vexed question, the identity of the Rabbi Nathan mentioned three times in the *Seder*, 35 b, and 37 a (*bis*). In the last two places he is called ראש ישיבה, both in the printed text and in the MSS., which gives no encouragement to his identification with the uncle of Rabbi Sherira, Rabbi Nathan ben Rabbi Judah. The latter was no ראש ישיבה, only an אלוף, and if the copyists had desired to confer a more distinguished title upon him, they would have called him Gaon, the usual epithet bestowed later upon a very prominent scholar. But there was no Rabbi Nathan who was a ראש ישיבה in Babylonia, and we have the choice of again resorting to a falsely interpreted abbreviation, and putting נתן for נטרונאי², or identifying him with the contemporary of Rab Amram, the Rabbi Nathan of Kairwan, who was a ראש ישיבה in Kairwan³. The difficulty of identifying this Rabbi Nathan is increased by the fact that Abudraham, even in his first edition (Lisbon, 1489), twice has נחמן ר' in citing the *Seder*. In the first passage, p. 79, נחמן is probably a mistake for Amram, while in the second, p. 110, corresponding to 37 a of our text of the *Seder*, the dictum ascribed in the latter to Rabbi Nathan, is quoted in the name of Rabbi Nahman. But נחמן would seem to go

¹ Comp., *R. É. J.*, LIV, 204, where this passage of the כר"צ is quoted, but without the name of Rabbi Nahshon. There is no reason for doubting that it is taken from the *Seder*.

² An interesting example of mistaking ר"נ = נטרונאי and ר' נתן = נתן for each other is afforded in *Tur, Oraḥ Ḥayyim*, 190. It occurs in the first Soncino edition, and in all following editions, while ed. Mantua, 1475, has נטרונאי ר' as is proper, and as is confirmed by ה"פ, 187; for indirect testimony by Rashi see above, p. 43, line 6 from below.

³ Comp. above, pp. 31-2.

back to נהשן, rather than to נתן. The name of the Gaon נהשן is elsewhere found corrupted into נהמן¹. Thus the reading נתן becomes very doubtful. Besides, the decision given on 37 a in the name of Rabbi Nathan offers a difficulty in the subject-matter. It contradicts a usage prevailing in the *Yeshivot*, if we can put implicit confidence in the words of Rabbi Natronai, ה"פ, 187. The last point may be adduced in support of the assumption that the authority referred to is Rabbi Nathan of Kairwan, who recorded his opinion here at variance with that of the Babylonian Geonim.

Apart from these additions, which can be attributed to definite authors, there probably are a number of anonymous passages in the Halakic part of the *Seder* that did not belong to it originally, but were inserted in the course of time. For instance, it is not at all likely that the references to the Spanish ritual, 1 a and 2 a, were made by the hand of Rab Amram himself². The expression כן מצוי בשאלות ותשובות in the latter place is not a Gaon's way of speaking.

¹ Comp. Rapoport's Introduction to נ"ק, 9 b, and also נמ"ז, 47, where, likewise, נהשן is to be read instead of נהמן. The first edition of Abudraham reads נתן instead of נהמן in ה' תנייה, 135, in agreement with ה"ע, 35 b, while all the subsequent editions have נהמן. ר' Schorr, *He-Haluz*, VII, 144-5, insists that there was a Gaon by the name of נהמן, though none is mentioned by Rabbi Sherira in his Letter. By way of corroboration, he adduces the fact that Rabbi Sherira has no reference to the Gaon Rabbi Menahem, of whose existence there can be no doubt. Schorr evidently was carried away by his opposition to Rapoport. In point of fact, the Gaon Rabbi Menahem is mentioned by Sherira. נהמיה is out of the question, the only Gaon by that name, the son of Kohen-Zedek, not having written any Responsa. In Abudraham, 139, the end of ה"ע, 35 b, is also given in the name of ר' נתן, but this can scarcely be correct, as in נמ"ז, 125, and איה' הי"ב, 90 a, the same passage is ascribed to Rabbi Jehudai, whom Rab Amram followed here as in many other places. ה"ו, 211, has נתן רבנא which seems to corroborate our assumption that R. Nathan was not a Gaon, רבנא is never used in connexion with a Gaon.

² Also lines 14-17, on p. 5 b, seem very suspicious to me. On the use of אשכנז, Germany, comp. the Responsum of Rabbi Paltoi in נמ"ז, 149, where אשכנזים are mentioned.

RELATION OF THE MANUSCRIPTS TO THE PRINTED TEXT.

The fact that an old work has been subjected to additions does not preclude the possibility of its having suffered abridgment as well. However, it lies in the nature of these Halakic expositions to give suitable opportunities for additions, especially extracts from Geonic Responsa. It may, therefore, be formulated as a rule, that only the material common to the printed text and the MSS. can with certainty be considered as originally part of Rab Amram's work. Accord between the MSS. and the old authors is not in itself conclusive as to the genuineness of the passages found in them. At most, it proves that such additions, if additions they be, were made in a remote time. And in point of fact there are but few additions in the Sulzberger and the Oxford MSS. that cannot be followed up in one or another old author. Some of these parallel sources to the MSS. of the *Seder Rab Amram* follow:—

The *résumé* of the מאה ברכות in S and O, 1, is met again literally in *Maḥzor Vitry*, 3-5, and an abstract of it, in ס' יראים, ed. Schiff, II, 235. Besides, the conclusion ומאן דמברך is cited in the *Manhig*, 7 b, from the *Seder*. Nevertheless, it does not seem at all probable that Rab Amram would give a summing-up of the מאה ברכות sent by his predecessor to the Spanish congregations not very long before his own Responsum.

The regulations regarding the benedictions over the *Tefillin*, the *Maḥzor Vitry* had in the copy of the *Seder* used for it, in agreement with O, 2, as appears from the remark of the author on p. 642, while the *Manhig*, 7 b, is in accord with our text¹.

Maḥzor Vitry, 5-6, has the section לישחוקה — שבשתא in MSS. S and O, and also יריך — נימא, found only in MS. S.

¹ Rab Amram's view regarding the *Tefillin* Benediction has been transmitted variously in different *Poskim*. Hence the actual view of Rab Amram cannot be determined any more.

MS. O, 5, is like *Maḥzor Vitry*, 14—both contain the addition **המתפלל — מצטרפין**.

Maḥzor Vitry (28–32) also has the long piece on הלכות סעודה, which is found in MSS. S and O (p. 7), and a part of it is described by Rabbi Meir of Rothenburg, in **שערי תשובה**, ed. Bloch, 299, as having been taken from the *Seder*. On the other hand, from the *Manhig*, 37 a, we should infer justly that it was known to its author as an independent Responsum, not as a part of the *Seder*, into which it may have been incorporated later.

The reading of the *Maḥzor Vitry*, **ביבי** instead of **ניסי**, is interesting. The latter is as the MSS. of the *Seder* and *Pardes* (38 c) have it. **א"ח**, I, 32 b, has it from the *Seder*.

Maḥzor Vitry (78) has the addition offered by MSS. S and O, 19, line 14, and also on 214, that on 36, line 36.

The explicit treatment of the Torah lessons in MSS. S and O, 19–23, probably originates in the הלכות קצובות, but, as appears from *Maḥzor Vitry*, 221, it was in the *Seder*, as the *Maḥzor* cites it without reference to the source, the way of the author with quotations from the *Seder*, but not with those from other Geonic sources.

Another agreement between the *Maḥzor* and MS. S is in the passage before the *Shofar* blowing (*Maḥz.*, 355; MS. S, 28).

The next passage, on the Ten Penitential Days, occurs alike in MSS. S and O and in *Maḥzor Vitry*, but not in **ארח' חיים**, I, 96 c.

The long excerpts from **יסוד העמרמי**¹ in *Maḥzor Vitry*, 202, 280, 355, 375, which are not found in MSS. S and O, indicate that the *Seder* used by the *Maḥzor* could not have been identical with the model upon which the MSS. are based. This, however, can be asserted, that MSS. S and

¹ Epstein, *Schemaja* (reprinted from *Monatsschrift*, XLI), 18, note 1, is of the opinion that **יסוד העמרמי** should be read instead of **יסוד החזור ושרי**, and his view seems to be supported by the Sulzberger MS. of the original **מ"ז**, in which the sections on *Rosh ha-Shanah* and *Yom ha-Kippur* begin with the passage in the printed **מ"ז**, introduced by the words **יסוד העמרמי**.

O are more closely related to the *Maḥzor Vitry* than to the printed text of the *Seder*. The latter obviously goes back to another group of MSS. On the other hand, the student must guard against the error of accepting, without further investigation, the identity of the MSS. and the printed text as a proof of the genuineness of the passages in question¹. Changes must have taken place in the form of the *Seder* at so early a date that all the versions that have reached us must have been affected by them. For example, though the long Responsum by Rabbi Natronai on the Sabbath Evening Prayer (25 a) is literally the same in the three versions, yet we are plainly shown by the *Manhig*, 23-4, and שב"הל, 50, that it is an abridgment. In fact, hitherto it has not been observed that a portion of the end of this Responsum is to be found, by way of supplement, on 43 a. The observation on the formula in הפורם was originally a part of the Responsum given on p. 25 a. This we learn from the *Manhig*, and there can be no doubt that the author had the correct version. The copyist who omitted it by mistake—and he must have lived in very early times, as is shown by Albargeloni, ס' העתים, 173—atoned for his slip by putting it in under סדר חג שבועות. How inappropriate a place he gave it is shown by the fact that it was overlooked there by all the scholars of our day. Professor Schechter published a Genizah fragment in the *J. Q. R.*, X, 656, in which the formula of הפורם has a wording different from the one we are accustomed to, as follows: הפורם . . . ישראל ובונה ירושלים. This benediction runs in pretty much the same way in another Genizah fragment published by Professor Lévi, *R. É. J.*, LIII, 235: הפורם . . . ישראל מנחם ציון ובונה ירושלים. This supposedly new benediction is identical verbatim with that in a Responsum by Rabbi Natronai, quoted in the *Seder*, 43 a, and in the

¹ Priority is not always in favour of the versions of the *Seder* used by the *Poskim*. For instance, there can be no doubt that what the שב"הל, 184, cites from the *Seder* is Italian *Minhag*, and equally א"ו, 128, is not quoting an original piece of the ס"ז.

Manhig, 23. The Genizah fragments are doubtless of Palestinian origin, for not only, as Professor Lévi remarks, was this formula in the *Yerushalmi* used by Rabbi Isaiah di Trani the Elder, *Berakot*, IV, 8 c, but the reading is also found in the Vatican MS. of the *Yerushalmi*. It should be noted, in addition, that the first verse of the *Geüllah* in the fragment published by Professor Lévi should read: עשה לנו אהללה in עשה . . . , to which the verse . . . בציין כעשותך שם פלא by Jose ben Jose forms an almost verbal parallel—further proof for the Palestinian origin of this *Pajyetan*.

SPURIOUS WORKS ATTRIBUTED TO THE GEONIM NAHSHON AND HIS SON HAI.

Many a work is ascribed to Rabbi Nahshon, the successor of Rab Amram in the Gaonate of Sura, but his authorship can be maintained with certainty only regarding one of them, the *Iggul*, a treatise on the Jewish calendar system, which Rabbi Eliezer ben Jacob Belin, a German author of the fifteenth century, incorporated in his book *עברות*, Basle, 1527. That the others have been ascribed to him rests upon a misunderstanding. Though Zunz in his work *Zur Geschichte und Literatur*, 221, properly said that the Rabbi Nahshon who was the author of the Halakic compendium *ראומה*, a compatriot as well as the namesake of the Gaon, was separated from him by an interval of five centuries, scholars like Müller, in his *Mafteah*, 131, and Weiss, in his *Dor*, IV, 123, continue to speak of the work *ראומה* ascribed to Rabbi Nahshon. In view of the fact that it is extremely rare, and that its form is very bizarre, I shall undertake to give a description of it, according to the copy once owned by Halberstam, now in the Sulzberger Collection of the library of the Jewish Theological Seminary of America.

The work consists of sixty pages—last one blank—small quarto, and it was printed in the year 1565 (=ממרום) at Constantinople, according to a MS. in the library of Don

Joseph Nasi, accompanied by a double commentary from the hand of Rabbi Isaac Onkeneira. The title of the book, abbreviated, runs thus: ראומה נמצא ביד . . . דון יוסף הנשיא זי"א חברו הרב הגדול מוה"ר נחשון ז"ל בארץ שנער במדינת ארץ שנת הנ"ה . . . ויצחק . . . הלא הוא החכם . . . יצחק עונקינירא . . . ועשה לו פירושים . . . קושטאנטינא ביום ישי ראש חדש טבת שנת כי השקיף מזרזום קדשו.

In the introduction the author names the 22nd Adar of the year 5560 A.M., or 1300 C.E., as the date on which he began his work, and mentions the fact that he was the head of an Academy, באר' שנער במדינת' ארץ, frequented by 400 pupils, for the use of whom he had written his little work¹. Onkeneira tells us, in the introduction to his commentary, that Don Joseph received the MS. of the book from a distinguished old man, בהיותם בליהם בארץ איביהם בנורת ה' עליהם, which probably means when Don Nasi still was in Portugal. At the request of Don Joseph, Onkeneira wrote his two commentaries on the book, the ratio of commentaries to book being ten to one. The last page contains the praise, in prose and verse, of the author, the commentator, and the publisher, Don Joseph, composed by Rabbi Joseph ben Samuel ha-Levi. Not until we reach this last page do we discover that the author bore the title Gaon, but Rabbi Joseph had no intention of identifying him with Rabbi Nahshon, the Gaon of Sura. Rabbi Joseph's own father is denominated Gaon. So far as I can recall, Rapoport, in his biography of Rabbi Nathan, note 30, was the first to be misled by the title of the booklet and to identify the author with the Gaon Rabbi Nahshon. It need not be said that if Rapoport had seen the book itself, he would never have entertained the idea of attributing it to the Gaon. Not only does the author, as was mentioned above, name the year 1300 as the date, but the book is based essentially upon Maimonides. What Onkeneira says, that Rabbi Nahshon's title ראומה

¹ What city is meant by ארץ is hard to say, probably Bagdad.

was composed of the two words ראו מה, "See Moses [Maimonides]," is probably nothing more than an ingenious conceit, but he is right in assuming the author's dependence upon Maimonides. In point of fact, the book is scarcely more than a brief abstract of the הלכות שהיטה וטריפה of Maimonides. The following illustrations show how closely Rabbi Nahshon followed the views expressed in the *Yad*:—

The first sentence, במליחה יפה וצליה, can be explained only from Maimonides, *Shehitah*, I, 2. The other codes¹, which follow the Talmud in their wording, speak of הרהה, which is ignored by Maimonides and our author, who follows him.

The view, p. 14, that the slaughtering knife must be examined after it has been used, is derived from Maimonides, *Shehitah*, I, 24. It is a view not shared by other authorities.

The difference (pp. 31-3) between ספק דרוסה and any other ספק טריפה is inexplicable without the help of Maimonides, *Shehitah*, V, 3, who uses the case to exemplify his fundamental view on the subject of the Sinaitic Halakah.

The Halakic value of the little book is slight, as we have seen, but the form in which it is couched deserves some consideration. The author attempts to condense in thirty-eight brief and tersely expressed paragraphs the important regulations regarding שהיטה and טריפה. From the point of view of this object, it is not a despicable achievement. An interesting point is the author's desire to imitate the language and manner of the *Mishnah*, wherein he succeeded admirably. This is all the more noteworthy as the style he uses in the introduction may be called Kaliric, in strange contrast with the clear and pointed style of the book proper. But not even there could he wholly restrain himself from indulging his taste for the bizarre. To the end of each paragraph he adds a סמן, which in most cases is a conundrum, and one cannot but admire the ingenuity of Onkeneira, who succeeded in guessing all the riddles.

¹ Comp. the commentators on this passage of Maimonides.

The explanations by Onkeneira which accompany the little book are of statements of facts and linguistic points. These are treated of in his commentary entitled *פנת פנת*. In his other commentary, called *חוקת היר*, in allusion to Maimonides, *יר החוקה*, he deals with the relation existing between Rabbi Nahshon's statements and those of Maimonides' Code. He does not attempt to enter into the views of other authorities. In a single passage (p. 23) he mentions Rabbi Joseph Caro, citing his *Bet Yosef* with these words: הרב המובהק החסיד השלם מה"ר יוסף קארו נר"ו בספרו בית יוסף בית אלהים ושער השמים. Furthermore, he mentions his grandfather, Rabbi Judah Onkeneira, three times. On p. 12 he tells the following about him: מעשה שהיה בימי החסיד החכם השלם זקני זצ"ל במקנשיאה בהיותם בבית ישיבתם שואבי מים ממעיני ישועת הרב החסיד מוה"ר יהודה ׳ שושן זצ"ל ויהי היום בא איש אחד וכידו האי בר אחא . . . ובני מתיבתא כולם כאחד פסקו . . . והנה החכם השלם זקני זצ"ל . . . אז קם עליו הרב כמה"ר יהודה ׳ שושן זצ"ל ונשקו על ראשו והודה דבריו דברי אלהים חיים. The name of his grandfather is not attached to this passage, but on p. 52 it is mentioned plainly, with the words *ושמעתי* ומפי החסיד זקני החכם השלם מוה"ר יהודה זצ"ל we should read on p. 24. His uncle, Rabbi Moses Onkeneira, is referred to on p. 42, in the words *ושמעתי מפי החסיד החכם השלם דודי לי הה"ר משה עונקינרה נר"ו שקבל מפי החסיד אביו זקני ע"ה*.

On p. 32 a saying from the *Yerushalmi* is quoted which is not found in our text. The *Yerushalmi* very probably refers to some Kabbalistic work².

The quotation occurring in a Yemen MS., published by L. Grünhut, in *R. É. J.*, XXXIX, 311-12, is probably taken from a mystical work attributed to Rabbi Nahshon³.

¹ Rabbi Judah ben Isaac, Rabbi of Magnesia about 1500, author of a commentary on Ruth.

² ורא עניינא דעניא בישא כראמרינן בירושלמי מאן דאיה ליה עינא בישא ליסהכל בהוסמיה; the language is that of the Zohar; so far as I know, however, the dictum does not occur in the Zohar.

³ The extract published by Grünhut was known before; comp. *R. É. J.*,

The Karaite Kirkisani, as we are informed by Dr. Harkavy¹, who published portions of his works still in MS., speaks of "Hai, the head of the Academy, and his father, who translated the law-book of Anan from the Aramaic into Hebrew, and with the exception of two points, they found nothing that could not be traced back to the Rabbinic writings." As Kirkisani could not have been thinking of Rabbi Hai ben Sherira, because he wrote before the great Hai was born, he may have meant Rabbi Hai ben Nahshon, who studied the works of Anan with his father Nahshon. It is possible that the calendar investigations undertaken by Rabbi Nahshon in connexion with his *Iggul* led him to take up Karaite literature, and he naturally sought first of all to familiarise himself with the works of the founder of the Karaite sect. If we bear in mind that the Gaon of Sura, Natronai, barely one generation before Rabbi Nahshon, had to be told by a Spanish Jew of the existence of Anan's book of law², it does not seem at all probable that an early successor of his would make it the subject of close study. And, in point of fact, Kirkisani's report bears the marks of falsification. Consider the monstrous exaggeration, that the Gaon Hai had found only two matters in the whole of Anan's book of law that could not be shown to be derived from Rabbinic sources, the truth being that there are barely two lines in his book that are in agreement with the Rabbinical authorities. It is equally out of the question that a Gaon should have busied himself with the translation of a Karaite book, and from Aramaic into Hebrew at that. The Babylonian Jews mastered

XL, 128. Rabbi Nahshon is not the only Gaon whom the Kabbalists claim as one of their own. Even Rabbi Samuel ben Hofni could not escape them, in spite of his philosophic views; comp. Steinschneider, *Arabische Literatur*, 110, note 6.

¹ In his additions to the Hebrew translation of Graetz's *Geschichte*, III, 493-511.

² *Seder Rab Amram*, 38a.

both languages, we may be sure, and it is not to be supposed for a moment that Rabbi Hai was desirous of making propaganda for Karaism among foreign Jews ignorant of Aramaic.

WORKS ATTRIBUTED TO THE GEONIM ZEMAH, HAI BEN DAVID, AND HILAI.

The contemporary of Rabbi Nahshon, Rabbi Zemaḥ ben Paltoi, Gaon of Pumbedita, was the first of the scholars of Pumbedita to write a book, and this first Pumbeditan book was at the same time the first of the long line of Talmudic lexicons. The work ערוך is known to have existed as late as the sixteenth century, in the possession of Rabbi Abraham Zacuto, the author of the *Yohasin*, who quotes from it here and there. It is, of course, astonishing that Zacuto should be the only one known to have made use of the work, still more astonishing that he was the only one to make mention of it. Kohut's opinion that Rabbi Nathan ben Jehiel resorted to the work of this predecessor of his is not based upon sufficient grounds¹. In view of all this, I cannot refrain from expressing doubt as to the reliability of Zacuto's report. He may have come into possession of a Talmudic lexicon by some Zemaḥ, otherwise not known, whom he or perhaps the copyists of the book, without taking the trouble to investigate the matter, identified with his namesake, the Gaon of Pumbedita. The restricted number of quotations from the lexicon hardly permits speculation as to the merits of the book. Zacuto tells us expressly that the arrangement followed the alphabet. An interesting feature is that it contained the names of persons and places in the Talmud².

¹ Comp. *G. S.*, p. 294.

² In the Introduction to his *Aruk*, 17-19, Kohut has put together all the quotations from Rabbi Zemaḥ's lexicon, following the example set by Rapoport and Geiger. Rabbi Zemaḥ's explanation of the oath הַפֶּתִיךָ הַרְחֵם, declared unintelligible by Zacuto, and by Rapoport and Kohut after him, is quite correct. Rabbi Zemaḥ observes that הַפֶּתִיךָ בִּן הַקָּזֵב makes

It must be mentioned that Rabbenu Hai is perhaps alluding to a lexicographical work by Rabbi Zemaḥ ben Paltoi, when, in giving the explanation of a Talmudic word, in Harkavy, 200, he uses the expression *ובחורת מחקר* . . . שחקר מר רב צמה ואמר—“and in the investigation Rabbi Zemaḥ pursued, in which he made the supposition.” If he had been having a Responsum by Rabbi Zemaḥ in mind, the expression used by Rabbi Hai would be very peculiar. That he did not mean Rabbi Zemaḥ ben Haiyim, or Rabbi Zemaḥ ben Kafna, is shown by a previous sentence, in which he gives the full name, Rabbi Zemaḥ ben Paltoi¹. On the other hand, the grandson of Rabbi Zemaḥ, Rabbi Hezekiah ben Samuel, mentions nothing of a dictionary by his grandfather, in his letter published in the *J. Q. R.*, XVIII, 401. As he was not a little proud of the numerous writings by his ancestors, it is not very likely that he would have forgotten the lexicon, if there had been one. A final possibility is that this lexicon of Rabbi Zemaḥ is nothing but the explanation of Talmudic passages for which he was asked, and these are included in what his grandson says: “And also in the days of his [Rabbi Paltoi’s] son, Zemaḥ, the head of the Academy, my father’s father, they [the Spanish scholars] sent to him asking him for explanations of the difficult passages in the whole Talmud, so many that several donkeys could not carry the load.” These words would seem to point to a comprehensive work by Rabbi Zemaḥ rather than his activity as a Responsa writer.

The superscription reproduced in *G. S.*, p. 28, from a Genizah fragment containing a collection of Responsa, “These Responsa were arranged [תקן] by Rabbi Zemaḥ,

use of the oath, because he lived during the time the Temple was standing, and being accustomed to swear “by *this* Temple,” he did not change the formula even after its destruction.

¹ Attention should be called to the fact that neither R. Sherira nor his son R. Hai refers to R. Zemaḥ as his ancestor, though the former’s grandmother was a daughter of R. Zemaḥ, comp. above, p. 10.

the head of the Academy," might be interpreted to mean that Rabbi Zemaḥ ben Paltoi (?) had made a collection of Responsa. This inference would receive support from the fact, that, as is shown in the *G. S.*, pp. 20 et seq., several of the Responsa attributed to Rabbi Zemaḥ belong to his predecessors without a doubt. Thus he might be looked upon as a collector of Responsa issued by earlier Geonim. However, it is highly improbable that a Gaon should have engaged in the task of collecting Responsa¹, especially in consideration of the fact that the Responsa Collections that have reached us were, in all likelihood, made toward the end of the Gaonate, and then outside of Babylonia. Accordingly, תקן should be translated by "composed," rather than "arranged"².

Among the doubtful Geonic works is the one on the Rabbanite calendar, ascribed by the Karaites (לקוטי קרמוניות), II, 148-51) to "Hai, the head of the Academy." If this statement is not to be dismissed as a pure invention, at least so much may be asserted, that the author would have to be identified with Rabbi Hai, Gaon of Sura, whose father, Rabbi Nahshon, as was mentioned a little while ago, also wrote upon the calendar, rather than with Hai

¹ Frankel, *Entwurf einer Geschichte . . . der Responsen*, 71-2, misunderstood the expressions שאילתה or השו"ת used by the old authors. It does not mean "Responsa Collections," but simply Responsa, the plural being employed because the correspondents in almost all cases addressed a number of questions to the Gaon.

² Comp. Zunz, *Gesammelte Schriften*, III, 51, on the use of התקן, "to compile"; also Harkavy, 84: שאילתה אלו מרב צמח, "these [replies to] questions addressed to Rabbi Zemaḥ." Luzzatto, *Beṭ ha-Ozār*, I, 83, maintains that Rabbi Zemaḥ was the compiler of a collection of Geonic Responsa. He bases his view on Mordecai, *Baba Batra*, 471, where the השו"ת ישתה ררב צמח נאין are spoken of. But there can be no doubt that the text of Mordecai is corrupt, and must be read as emended by Isserles, ad loc. The old name for Geonic Responsa was השו"ת שאילתה (ה"ט, 45), which later was cut down to שאילתה (אשכול, III, 49), or chiefly השו"ת. The post-Geonic authors speak more frequently of שאילתה והשו"ת than of השו"ת שאילתה, but there are well-known Responsa Collections by later authors that have appeared in print under the latter title, for instance, השו"ת שאילתה לרבינו משה בן חזקן.

ben David, the successor to Rabbi Zemah ben Paltoi in the Gaonate of Pumbedita, as Harkavy does in his Additions to the Hebrew translation of Graetz, *Geschichte*, III, 506.

Müller, in his *Mafteah*, 152, calls the Sura Gaon, Hilai ben Natronai, the probable author of הלכות פסוקות. But this rests upon a misunderstanding. The words of Rabbi Hilai, in ה"פ, 47, כדרך שפירשנו לענין חמץ בפסח, do not refer to a Halakic compendium but to his Responsum, ה"פ, 162, which he probably sent to the same addressee.

THE IMPORTANCE OF RABBI SAADIA IN HALAKIC LITERATURE.

As in many other fields, so in the Halakah, Rabbi Saadia was the most important author of the Geonic time. Not only did he enrich the various departments of Halakic literature with numerous contributions, but also what he wrote was so original that in many respects it served as a model for the succeeding Geonim and later scholars.

His Halakic writings may be divided into four groups: (1) Introduction to the Talmud and the Halakah; (2) Talmudic explanations; (3) Codification of the Rabbinic laws; and (4) Liturgy. Unfortunately, most of his Halakic works are lost to us, and the greater part of what we possess of them still awaits publication.

In the first group belongs the פרוש י"ג מדות, published by Professor Schechter in the *Bet Talmud*, IV, 235-44, after an Oxford MS., and reprinted by Müller in *Œuvres complètes de Rabbi Saadia*, IX. Originally it was written in Arabic, and it contains the fundamental hermeneutic principles applied to the Halakah by the Rabbis, its form being a commentary upon the "Thirteen Rules of Rabbi Ishmael." Each of the thirteen rules is illustrated by numerous examples, and at the same time all the variations falling under the rule are elucidated. For instance, the application of the first hermeneutic rule, קל וחומר, is exemplified by means of four Scriptural injunctions. The law, says Saadia, tells

a man that in case he marries a second wife, he has three duties of a husband (Exod. xxi. 10) to fulfil toward his first wife. But the law contains nothing about the duties of a husband who has but one wife. These duties we derive by applying the קל והומר, and we infer that if the law puts certain duties upon a husband of two wives, although the fulfilment of them is twice as difficult as when he has only one wife, how much more is he obligated to fulfil them when he has but one wife.

In this clear and intelligible manner, he continues to treat of all the hermeneutic rules in succession. The superiority of this work appears plainly on comparing it with the "Baraita of the Thirteen Rules," at the beginning of the *Sifra*. Neither in copiousness of examples, nor in lucidity of presentation, can the latter come up to Saadia's work even remotely. The relation of this *Baraita* to Rabbi Saadia's treatise, it should be said, has not yet been cleared up¹. The *Baraita*, we know, contains many old elements, but it is not certain that, in the passages in which Rabbi Saadia's work and the *Baraita* are in agreement, it is always the latter that is to be considered the primary source.

An Introduction to the Talmud by Rabbi Saadia was consulted by so late an authority as Rabbi Bezaleel Ashkenazi (ab. 1609), and Azulai, in his יעיר איון, 36 b and 68 c, has published bits of it, after Rabbi Bezaleel's manuscript works. As Rabbi Bezaleel says expressly that it was originally written in Arabic, there is no room left for doubt as to the correctness of the supposition made by Professor Schechter, in his *Saadyana*, 128, that the כתאב אלמרכל mentioned in a Genizah fragment is precisely this Introduction to the Talmud by Rabbi Saadia².

¹ Comp. on this point Müller, in *Œuvres complètes de R. Saadia*, IX, Introduction, 23-33, and Hoffmann, in *Berliner-Jubelschrift*, Hebrew division, 55 et seq.

² Rabbi Saadia's ס' הילוי contains matter of a nature introductory to the Talmud, as he himself mentions expressly; see Harkavy, *Saadia*, 152, 160. The former passage is particularly interesting. Rabbi Saadia,

Rabbi Pethahiah, of Ratisbon, who travelled through Babylonia near the end of the twelfth century, reports that the Jews there used commentaries on the Bible and the *ששה סדרים* by Rabbi Saadia. Whether *ש"ס* stands for the Mishnah, or, according to later usage, for the Talmud, cannot be determined with certainty. It is also open to doubt whether the *פרוש* of Rabbi Saadia on certain Talmud passages which are mentioned in Geonic literature¹ are commentaries on the Talmud or part of the Talmud, or whether they are isolated explanations of definite passages in the Talmud, which Rabbi Saadia, like many of the Geonim, gave in his Responsa in reply to inquiries. From the list of works published by Professor Schechter in *Saadyana*, 79, it is plain that Rabbi Saadia compiled a "Vocabulary of the Mishnah." There is, accordingly, no reason for denying him the authorship of the Commentary on *ברכות*, published at Jerusalem, 1907, by Wertheimer, from a Genizah fragment, under the title *ספר פירוש רב* *סעריה נאון*. The epithet *פירוש* is somewhat inaccurate, because the book contains no explanations in the usual sense, but only very brief lexical notes. The sixty-three folios of the treatise *Berakot* are disposed of in two small leaves. However, it is not impossible that the *פרוש על ברכות* before us is only an extract from a much more detailed commentary by Rabbi Saadia, in which the philological notices alone are given, to the exclusion of all other sorts of matter. This hypothesis gains in probability from the fact

with fine satire, takes the Talmudists of his time severely to task: "The reason for compiling this [chronology of the Talmud] is that I have met persons who call themselves Rabbis [Rabbanites?], who have no understanding of it, and who do not walk in the way of our old teachers, whose names, however, are always upon their lips, and with whose food they nourish themselves." These words show not only that Rabbi Saadia was creating a new thing in this field, but also that he did it in opposition to the *Zeitgeist* so-called.

¹ If *פירוש* may be taken literally, then Rabbi Saadia must have written commentaries at least upon *Pesahim*, *Soṭah*, *Baba Meṣia'*, and *Baba Batra*; comp. *Saadyana*, 59-61, and Albargeloni, *השערות*, ס', 53.

that the first *Mishnah*¹ of the treatise is summed up in such wise that it may serve as an introduction to the discussions following in the *Gemara*. It cannot be assumed that Rabbi Saadia treated only the first *Mishnah* in this thoroughgoing manner, and not also the rest of the treatise. This odd contrast between the first *Mishnah* and the others would be fully explained by the supposition that we have only an extract before us. The epitomiser contented himself with reproducing verbatim the first paragraph of the book of which he was preparing an abstract; thereafter he took the shortest way possible.

Rabbi Saadia's literary activity was most fruitful in the department of codification. Unfortunately, only scant remains have been preserved, but at least the titles of his works are cited by a number of old authors and in old lists of books. This enables us to assert definitely that at least the following ten parts of the Jewish law were codified by Rabbi Saadia²: רבית; שבועות; שטרות; פקדון; מתנות; ירושות; ממונה כהונה; עריות; טומאה וטהרה; שהיטה וטריפות. Of these ten books, but one has been preserved, the first-named, "the book of the law of inheritance," which was published in the ninth volume of Saadia's collected works. Fragments have come down to us of two or three codes besides.

The student need not be cautioned against judging Rabbi Saadia's achievements as a codifier by the insignificant remains enumerated, the more as it appears that the *ספר הירושה* was his initial effort in the code department³. Despite its shortcomings, the book nevertheless

¹ Also the three passages 11 b, 15 a, and 18 b, are more than mere verbal explanations.

² Comp. Steinschneider, *Arabische Literatur*, 48-50, and Dr. Poznański's "Schechter's Saadyana," and also his remarks in the *Orientalische Literatur-Zeitung*, VII, 306-7; to which is to be added Rabbi Saadia's treatise on רבית, published later in *J. Q. R.*, XIX, 119. Numerous citations from the ס' השטרות are to be found in Albargeloni's work of the same name.

³ This view, expressed by Müller in the Introduction to his edition of this book, gains in probability from what is said, p. 166, below, on the relation of the book to Rabbi Saadia's other book, the ס' הפקדון.

gave scope for the display of Rabbi Saadia's originality. Not only is it the first Rabbinic book in Arabic, but also in plan and execution it reveals the influence of Greek-Arabic discipline¹. Instead of ranging the decisions of the *Mishnah* and the Talmud next to each other, Saadia has presented the Biblical-Rabbinic laws of inheritance in an order quite independent of their sources. This book of his thus became in some respects the model of the Geonim Rabbi Samuel ben Hofni and Rabbenu Hai for their codifications, and it would not be going too far to assert that Saadia exercised some influence on Maimonides' code. It is interesting to note that the fragments of the ספר הפקרין, published by Professor Schechter in *Saadyana*, 37, 40-41, show that in this code Rabbi Saadia pursued an entirely different system from that employed in the ספר הירושות. It is not impossible that Rabbi Saadia's method of not mentioning the Talmudic sources from which he drew gave offence, as similar action by Maimonides in his *Yad* aroused opposition. Saadia may have been led thereby to change his method.

In the domain of liturgy, we cannot here give attention to the numerous prayers which Rabbi Saadia composed. We are interested in the prayer-book which he compiled at the request of the Egyptian congregations. Unfortunately, it still awaits publication, and we are, therefore, not yet in a position to pass final judgment upon it. So much is certain, however, that Rabbi Saadia did not, like his predecessor in the Gaonate of Sura, Rab Amram, execute his task according to the Babylonian ritual, but according to the ritual of his native country Egypt. Of course, it cannot be denied that his *Seder* was not without effect on the Babylonian liturgy. Rabbenu Hai (Harkavy, 97) states explicitly that certain changes in the liturgy of his country were due to the influence exercised by Rabbi Saadia's *Seder*. Although the Egyptian liturgy

¹ Comp. Steinschneider, *Arabische Literatur*, 48, end, and *Orient. Litt.-Zeitung*, VII, 206-8.

is not free from Babylonian influences, yet, on the whole, it is an offshoot of the Palestinian ritualistic system. Whether the kinship that exists between the *Seder* of Rabbi Saadia and the Order of Prayers by Maimonides, which I have pointed out elsewhere¹, is attributable to the sole circumstance that both authorities were concerned with the needs of the Egyptian Jews, is more than questionable. It is very probable that Maimonides was intimately acquainted with the *Seder* of Rabbi Saadia, and permitted himself to follow it in many respects.

Rabbi Saadia's place in the development of Halakic literature can be summed up in this way: The many-sided scholar endeavoured to free Halakic literature from its exclusiveness. His Introductions and his methodological works tended towards a historic-critical understanding of the Talmud, while as a codifier his aim was to arrange the Rabbinic law in a unified logical system.

THE THREE GREAT SUCCESSORS OF RABBI SAADIA.

The last three Geonim, Rabbi Sherira, Rabbi Samuel ben Hofni, and the son of the former, Rabbi Hai, all stand

¹ *Z. H. B.*, IX, 104-7. After an examination of the MS., which I gave it later, even though it was cursory, I do not entertain the slightest doubt that Rabbi Saadia's סדר embodies the Egyptian ritual. The Genizah fragments comprise only a few insignificant tattered pieces of the סדר and very large pieces of Rabbi Saadia's *Seder*, further evidence of the assumption that it was destined for and went to Egypt. To the liturgical decisions by Rabbi Saadia given by Müller, in *Œuvres complètes de R. Saadia*, IX, 150 et seq., most of which are probably derived from the *Seder*, a quotation is to be added occurring in Ibn Gabai, הלכות יקב, the section on הנהגת כנסת. Ibn Gabai, it must be confessed, does not seem to have taken it direct from Rabbi Saadia. The anonymous commentator of the German Prayer Book, printed at Trino, in 1525, was acquainted with Rabbi Saadia's *Seder*. He quotes it in his commentary on the *Haggadah* on the verse ויבררתי יצחק. The passage quoted by him is not found in the Oxford MS. of the *Seder*, but it occurs in the *Haggadah* according to the Yemen ritual, in the סדר, 293, in a MS. of the *Haggadah* according to the German ritual, of the year 1329, in the possession of the Jewish Theological Seminary, and was known to the author of the סדר הגדול, comp. *Mekilta*, 52, ed. Hoffmann.

under the influence of Rabbi Saadia, manifesting itself peculiarly in the case of each. While Rabbi Samuel followed the example of Rabbi Saadia in the field of philosophy and Bible exegesis, as well as in his other interests, Rabbi Sherira and his son Rabbi Hai remained true to the old traditions of the Geonim. Of philosophy the latter would none, and the study of the Bible was a subordinate pursuit. To their core they were Talmudists, and Talmudists only. But in their capacity and work as Talmudists they could deny the influence of Rabbi Saadia as little as Rabbi Samuel ben Ḥofni.

A work entitled *מגלת סתרים* is ascribed to Rabbi Sherira, but the statement is rather doubtful. In his Introduction to his *Menorat ha-Ma'or*, Rabbi Isaac Aboab quotes a statement of Rabbi Sherira's from *מגלת סתרים*¹. What Aboab meant was probably that he had taken the words of the Gaon from the book *מגלת סתרים* by Rabbenu Nissim. Like his *Mafteah*, this book by Rabbenu Nissim is also made up in large part of Geonic Responsa², and of these Aboab made use in other places, too.

It is equally doubtful whether the *נמוקי* by Rabbi Sherira, cited several times by Rabbi Isaac of Vienna in his book *אור זרוע*³, is an independent work, somewhat of the character of a commentary on several treatises of the Talmud, or explanations of Talmudic passages in the form of Responsa.

¹ The correct reading is *סתרים*, not *סתרי*.

² This is confirmed by the Responsum of Rabbi Hai, in the appendix to Rabbi Sherira's Letter, ed. Mayence, 64-5, which likewise was incorporated verbatim in Rabbenu Nissim's *מג' סתרים*. Comp. also Harkavy, in *השפעה*, V, 53; Brüll, *Jahrbücher*, IX, 121; and *G. S.*, p. 273.

³ II, 168 a; *Baba Kama*, 72; *Baba Batra*, 40. The Geonic sources used by Rabbi Isaac, the author of the *א"ו*, which are of great importance for the valuation of Geonic literature, have not yet been exploited sufficiently. Wellesz, in *Monatsschrift*, XLVIII, 369-71, is neither exhaustive nor complete. For instance, the *She'iltot* quotations from I, 159 b, II, 50 and 163, are missing; also Rabbi Ḥanina Gaon, I, 209; Rabbi Nathan ben Hananiah, I, 176 b, and several others. *אשכנז*, II, 76, seems to indicate that Rabbi Sherira wrote a commentary on *Baba Batra*, comp. also Steinschneider, *Arab. Lit.*, 98.

Rabbi Sherira's reputation as one of the most prominent authors of the Geonic period rests upon a much surer basis than is afforded by these doubtful productions—upon his celebrated Letter to the scholars of Kairwan.

The Letter is a reply to a question addressed to Rabbi Sherira as to the origin of the *Mishnah* and the other Halakic collections by Tannaim, and as to the heads of the Academies during the time of the Saboraim and Geonim, together with a number of other points connected with these two cardinal matters. The lasting value of his epistle for us lies in the information Rabbi Sherira gives about the post-Talmudic scholars. On this period he is practically the only source we have, and his report is all the more important as it is partly based upon documents in the archives of the Geonim. But we should be doing Rabbi Sherira injustice if we thought of him merely as a chronologist. The theories which he unfolds, in lapidary style, regarding the origin of the *Mishnah*, its relation to the *Tosefta* and the *Baraitot*, on the beginnings and development of the Talmud, and many other points important in the history of the Talmud and its problems, stamp Rabbi Sherira as one of the most distinguished historians, in fact, it is not an exaggeration to say, the most distinguished historian, of literature among the Jews, not only of antiquity, but also in the middle ages, and during a large part of modern times. But the fine historical perceptions which he displays in literary criticism, and his searching investigation of the problems he encounters are almost unthinkable in the Geonic period without the preliminary work, or rather the personal influence, of Rabbi Saadia¹.

By far more direct and tangible was the influence of Rabbi Saadia upon the work of Rabbi Samuel ben Ḥofni, who was a serious competitor of Rabbi Saadia in point of versatility and productiveness. He cannot, however,

¹ Comp. the observation by Rabbi Saadia given above, p. 163, n. 2.

vie with Rabbi Saadia in originality. The Halakic works of Rabbi Samuel, some of them, perhaps, nothing but works of Rabbi Saadia recast¹, were written in Arabic like those of his predecessor, and they share the fate of the latter, too, in that they are completely lost save a few fragments.

The Genizah fragments have made us acquainted with a large number of titles of books, as many as forty, all to be added to the Halakic writings of Rabbi Samuel². It is fair to assume that these are not independent works³, but rather parts of a great code. אלשראיע "Commands," by Rabbi Samuel, may have been the general title, which was accompanied by a number of sub-titles for the various divisions of the code. The gigantic compass of the book may readily be judged from the שערֵי ברכוֹת, "The Portal of Benedictions," which was published by Weiss in the *Bet Talmud*, II, 377-86. This division, doubtless an insignificant portion of the code, exceeds in size the corresponding parts in Maimonides' *Yad* and Caro's *Shulhan 'Aruk* together, and it must be remembered that it has not been preserved in complete form. Probably this prolixity is a partial reason why both the Arabic original and the Hebrew translation, which were in the hands of the German authors as late as the fourteenth century⁴, have dropped into total oblivion.

Of the other Talmudic writings of Rabbi Samuel, we should mention a commentary on *Yebamot*, listed in a

¹ Comp. Schechter, *Saadyana*, 43.

² Comp. Steinschneider, *Arab. Lit.*, 108-10, and Poznański, *Orientalische Litteratur-Zeitung*, VII, 313-15. In the recently published דברי הריב"ה (Bernard Drachman, New York, 1908), 53, the ה' הדיניה (on witnesses?) by Rabbi Samuel is mentioned.

³ A supposition made by Rapoport, *Biography of Rabbi Hai*, note 8.

⁴ The author of ארכיב כס' ארכיב, published in Coronel's ד' קו"ה, quotes Rabbi Samuel's שפ"ח, and also the author of ה' האשמה, living at the same time. Some of the decisions by Rabbi Samuel, reproduced in Müller, *Maftah*, were not Responsa originally, they are taken from his code.

catalogue, *J. Q. R.*, XVI, 411, and an Introduction to the Talmud, of which a considerable piece is to be found in the Taylor-Schechter Collection.

The influence of Rabbi Saadia is patent in the *שערי ברכות*, especially in the grouping of the material and in the style of presentation. It is altogether likely that Rabbi Samuel used the work of his predecessor as a foundation for his Introduction to the Talmud as well as for his Code.

Rabbi Hai, the last of the Geonim, who as a Talmudist may perhaps be called the first of them, and who in respect of Talmudic scholarship, profundity of conception, and incisive judgment, is excelled by none, not even by Rabbi Saadia, is known chiefly for his numerous Responsa. However, he is the author of independent works on subjects in every department of the Talmud, too.

Of his commentaries on the Talmud nothing has been preserved, though it is certain that he expounded several treatises. Quotations from his commentary on *Berakot* are to be found in Ibn Gajat, ש"ש, I, 14; Albargeloni, ספר העתים, 288; in the MS. of the *השנה*¹ of the RaBeD; and in ראב"ה, 24. Rabbi Solomon Ibn Adret makes copious use thereof in his commentary on *Berakot*. We may also be sure of his having composed a commentary on *Shabbat*², to which reference is made in ג"ל, 59, and that the expression בפירושי רבינו in this passage does not mean an explanation made by Rabbi Hai in one of his Responsa is evident from the word *חשובות* that follows soon after. It is obvious that in this Responsum a difference is made between פירושי and חשובות. It is questionable whether Rabbi Hai wrote a commentary on the treatise *Hagigah*. Albargeloni, in his commentary on the book *Yeẓirah*, cites explanations of passages in this

¹ I am indebted to Dr. Alexander Marx for calling my attention to these *השנה* against Rabbi Zerachiah Gerondi; they are in the Sulzberger Collection of the Jewish Theological Seminary of America.

² Comp. *G. S.*, p. 56, and 'Aruk, s. v. אָבֵן מִצְמָא, which quotes Rabbi Hai's explanation of this expression from *Shabbat* and not from *Kelim*!

treatise¹ five times, once (p. 26) as בַּפ' הַגִּיגָה, and again as בַּפִּירוּשׁוֹ בַּפ' אֵין דּוֹרֵשֵׁן.

What is certain is that the view of Weiss, *Dor*, IV, 187, cannot be correct, when he holds that whenever the author of the 'Aruk quotes the words of Rabbi Hai with the introductory formula פִּירֵשׁ he had a commentary of the Gaon before him. It is curious that Weiss should have dropped into the incorrect statement that Rabbi Nathan, s. v. אֶלְמֵנָה, was quoting Rabbi Hai's commentary on *Kiddushin*. The words ובַּפ' ר' כְּתוּבָה דְקָרוּשֵׁן show plainly that Rabbi Hai's explanation could not have had a place in a commentary on *Kiddushin*. In such a case he would have had to say ובַּפְרָקִין. Indeed, some of the explanations of Rabbi Hai introduced in the 'Aruk with פִּירֵשׁ are found in Responsa. For instance, that s. v. בְּתוּלָה הוֹרֵד is literally in Harkavy, pp. 128-9. Likewise, Rabbi Hai's authorship of the brief commentary on the Order *Teharot* of the *Mishnah* seems to me very dubious. My reasons against the prevailing assumption that this commentary ascribed to him is actually his, are the following: Rabbenu Hai, like many other Geonim, did not consider it beneath his dignity to give short linguistic explanations of Talmudic passages, when he was asked for them. We have, indeed, a large number of such by Rabbi Hai in various places in the Responsa Collection edited by Harkavy. On the other hand, it is highly improbable that a Gaon, especially a scholar like Rabbenu Hai, who was mainly concerned about a proper understanding of the Halakah, should have composed a commentary on a most difficult part of the *Mishnah*, without making the slightest contribution to our actual knowledge of it. The explanation offered by Weiss for this peculiar fact can hardly be taken seriously. He maintains that as this Order of the *Mishnah* was studied only by great scholars, it required nothing but linguistic elucidations;

¹ Probably it refers to a comprehensive Responsum on the difficult Haggadic parts of the second section of this treatise. Comp. *G. S.*, p. 273.

the matter itself contained therein needed none. In other words, Rabbi Hai might presuppose in his readers an intelligent appreciation of the most difficult parts of the Halakah, but not acquaintance with such words as ספסל, כדור, מוכני, and many similar terms. They occur frequently in the Talmud, yet Rabbenu Hai must define them for his great scholars! There are other circumstances that militate against Rabbi Hai's authorship. In this commentary on *Teharot*, Greek equivalents for certain words are not infrequently cited, and we are certain that Rabbi Hai understood no Greek¹. The numerous quotations from the *Yerushalmi* also testify against Rabbi Hai's authorship. Though he does now and again make references to the *Yerushalmi* elsewhere, the frequency with which it is done in this commentary arouses suspicion. Moreover, not only is the *Yerushalmi* drawn upon freely, but also contemporary Palestinian custom is cited (*Kelim*, XXV, 3), which hardly fits in with our notion of Rabbi Hai. Though Rabbi Saadia and Rabbi Nahshon are named in the commentary (*Kelim*, XXVIII, 3), Rabbi Sherira never is, which would be rather curious in a work by Rabbi Hai. Also Rabbi Hai never speaks of the Responsa of the Geonim as שאילת; he calls them תשובות, while in the commentary שאילת is the term constantly employed. And what explanation can be given of the fact that the author of the *'Aruk* quotes it seventy times without once mentioning the name of Rabbi Hai². In view of all this, Rabbi Hai's

¹ The explanation of the word sophist is quoted by Rabbi Hai, as we learn in Harkavy's Introduction, 25, note, from a work by Alfarabi! His ignorance of Greek is evinced also in his remark on אשפרג, Harkavy, 196-7. In another Responsum, l. c., 23, he says with regard to the names of certain fish in the Talmud: וכל איתן דרובין כאן לשון יוני הן ואין אנו מכירין בהן: This would seem sufficient to refute Weiss' statement that Rabbi Hai understood Greek.

² Kohut, in his Introduction, 14, maintains that Rabbi Nathan, s. v. שרש, ascribes the commentary on *Teharot* to Rabbenu Hai, and calls it ספר גאון. But if this passage proves anything, it is that Rabbi Nathan did not consider Rabbi Hai the author, inasmuch as he never calls him anything but גאון.

authorship of the commentary is, to say the least, very doubtful.

The codifications by Rabbi Hai encountered a more favourable fate than his commentaries. Following the example of Rabbi Saadia probably, he wrote them in Arabic, but only the Hebrew translations have been preserved, and they only in part. Rabbi Isaac ben Reuben translated¹ Rabbi Hai's book *On Sales* as early as the year 1078, giving it the title ספר המקח וממכר. It has been printed and published a number of times. To this book with its sixty gates are added three comparatively short treatises on the law of pledges, ספר המשכון; the law of conditions, משפטי התנאים; and the law of loan and sale, משפטי הלואות ומשאות. A second work of importance by Rabbi Hai in the same field is his work on oaths, of the Hebrew translation of which, שערי שבועות, we also have a printed edition. Of these two works there is a metrical version, which, however, does not own Rabbi Hai as its author, the statement of the printed editions to the contrary notwithstanding. These two works by Rabbi Hai are to be classed among the most excellent achievements in the department of Rabbinic code literature. As Rabbi Hai treats only certain portions of the Rabbinic law, he naturally goes into detail, without, however, dropping into the longwindedness of which his father-in-law, Rabbi Samuel ben Ḥofni, is guilty. The logical development of the subjects treated is presented in a clear and comprehensive way, and the systematic grouping is masterly. The ספר המקח וממכר is to this day the best exposition of the Rabbinic law of sales with all its essential branches. Equally, his שערי שבועות shows the cunning of the great systematiser and the acumen of the great jurist. In the first-mentioned book, XLI, 77 a, he refers to his work, חבור החוב,² which seems to be lost. Perhaps the treatise משפטי הלואות is nothing but a chapter of this book.

¹ On the translations of Rabbenu Hai's works, comp. Steinschneider, *Arabische Literatur*, 99 et seq.

² Comp. Brüll, *Jahrbücher*, IX, 120.

Among the lost works in codification by Rabbi Hai there is one on *אסור והיתר*, arranged, like the other, in "gates," which is cited by some old authorities¹, and also a treatise on the prerogatives² of the owners of adjoining possessions, *מצרנות*. Mention is made, besides, of Rabbi Hai's *הלכות תפילין*. This may have been an extract from his *Seder*³, which probably, like the Orders of Prayer of his predecessors, contained the prayers and the Halakot bearing upon them. The *Seder* seems to be lost irretrievably, and nothing can be conjectured about it, except perhaps this one thing, that it may have been put together either for the congregations of the Crimea or for those of Byzantium. At all events, the Jews of those regions had a tradition about having received a prayer-book from the Geonim⁴, and as neither Rab Amram's nor Rabbi Saadia's could have been meant, Rabbi Hai's naturally suggests itself. One other circumstance should be mentioned in connexion with the *Seder* of Rabbi Hai. He himself reports (Harkavy, 105, bottom) that young men from Constantinople studied the Talmud under him, and it may have been at their instance that he arranged a *Seder*.

A Halakic work by Rabbi Hai, his *Book of Documents*, was found recently among the Genizah fragments. It contains twenty-eight forms for drawing up documents, together with brief directions. Dr. Harkavy, who publishes four of these documents in the Hebrew Journal *הפסגה*, III, 46-50⁵,

¹ Rapoport in his biography of Rabbi Hai, note 21, refers to a quotation from a work of this sort. However, traces of it can be shown to exist in several authors. Comp. *פירוש*, 17 b and 17 c (?), and the index to authors in *שב"ה*, ed. Buber.

² Not boundary disputes, as Steinschneider, *Arabische Literatur*, 100, says.

³ In *שב"ה*, 267, end of paragraph, *ספר ר' האי* means his *Seder*; the author applies the same word to Rab Amram's *Seder*: *ורב יצחק כהן בספרו*: Buber's emendation, 137, *בספרו* for *בספרו* is superfluous. Other references to Rabbenu Hai's *Seder* in *שב"ה* are 264 and 294. Comp. also Steinschneider, *Arabische Literatur*, 102.

⁴ Comp. the Hebrew monthly, *האשכול*, I, 147.

⁵ The concluding sentence of the *פסגה*, 48, which Harkavy could

ascribes the book to the Gaon Rabbi Hai ben David. The reasons for such ascription were inadequate to begin with¹, and they have now been nullified by another Genizah fragment, come to hand in the meantime, wherein Rabbi Hai ben Sherira is explicitly called the author².

Rabbi Hai, like his father Rabbi Sherira, and his father-in-law Rabbi Samuel, is unmistakably under the influence of Rabbi Saadia. This influence is betrayed plainly by the arrangement of his works in codification. The interests of Rabbi Hai centred largely in the civil law. His independent works belong almost exclusively to this domain. Well aware that his acute analysis of certain legal discussions might be applied in dishonest ways, he tries to guard against abuse in the following words at the end of his *שבועות*: "And if an interested party should derive arguments from this presentation to twist the words and win his cause, he will bring evil down upon himself. I am innocent before my Creator, for I have composed this work only for those who walk in the straight path, to understand how to give just decisions. . . . The Holy One, blessed be he, will be my avenger, that the readers of my book use it in fear of God and in truth, and also the Lord, before whom all hidden things are manifest, will espouse the cause of my innocence, as it is written: 'As for such as turn aside unto their crooked ways, the Lord shall lead them forth with the workers of iniquity, but peace shall be upon Israel.'"

ואין (= ואינן) כותבין לן (= להן) לשון: not explain, must be read as follows: ארסי כמו שביארנו.

¹ Dr. Harkavy's argument, *האסיף*, V, 152-6, that this *השפוט* must be older than Rabbi Saadia's, for the reason that it is less comprehensive, cannot be taken seriously. The same logic would make Rabbi Samuel, the author of *נדרה שבעה*, older than Albargeloni, the latter treating seventy-three documents in his work, the former only fifty, and yet Rabbi Samuel lived six hundred years after Albargeloni.

² Comp. Wertheimer, *גני ירושלים*, III, Introduction, 1-3.

ANONYMOUS CODES OF THE GEONIC TIME.

The transition from the works of individual Geonim to the collective Responsa compendiums is formed by a number of writings, most of them originating near the end of the Geonic period, which are composites made up of Responsa and one or another of the kinds of works mentioned above. At the head of them is the סדר הנאים ואמוראים, written probably in the year 885, which has come down to us in several recensions. Its purpose is methodological as well as chronological. It, therefore, contains a chain of traditions from Moses until Rabbi Judah, the compiler of the *Mishnah*, an array of data about the Amoraim and Saboraim, and also a number of methodological rules for the use of the Talmud, especially its application to the decision of practical cases.

The recensions at present available are such a medley that it would be unfair to charge any writer with having perpetrated it¹. Obviously, the text was badly used by glossators and copyists. In G. S., p. 322, proof is adduced showing that a piece of the ס' הנאים ואמוראים had been taken verbatim from a Responsum by Rab Amram. This suggests the conjecture that the rest of the little volume is made up partly of Geonic Responsa, partly of the שמועות current in the Academies. These "Traditions" are mentioned by Rabbi Saadia in two passages in his commentary on *Berakot*². His references to them give us no specific notion of their character, but the word דרוי shows that they were in writing and probably consisted of old

¹ The Tannaim and Amoraim are mixed together confusedly.

² 6 a (perhaps a gloss) and 12 a. What Rabbi Saadia tells us of these שמועות in the latter passage, called an enigma by the editor, seems to me an intelligible remark, only it has happened in the wrong place. It refers to *Berakot*, 37 a, and puts the question, how Rabbi Akiba came to use the words אהה אוברך כך to his teacher Rabban Gamaliel, unbecoming words according to *Baba Batra*, 158 b; he should have said שרבינו אוברך כך. Accordingly, we should read ולא רבינו אברך, instead of the meaningless ולא רבי ניגדו אברך.

explanations of difficult passages in the Talmud¹. Rabbenu Hai, quoted in כ"פ, ed. Luncz, XII, 320, speaks likewise of שמועה של החכמים, apparently referring to post-Talmudic traditions.

An extensive collection of Geonic Responsa and extracts from the codifications of the Geonim was called ספר המקצועות, which was compiled at Kairwan, perhaps during the lifetime of Rabbi Hai, certainly not long after the extinction of the Gaonate. This book was one of the chief sources from which the German authors of the twelfth and the thirteenth century drew their knowledge of Geonic literature. The opinion of some scholars, that Rabbi Hananel was the author of this work, cannot be defended. Indeed, if anything can be asserted positively, it is that Rabbi Hananel was not the author².

The ספר הפנין was a collection similar to the one just mentioned, and it probably belongs to approximately the same time and place. Whether Rabbi Hefez ben Yazliah, the correspondent of Rabbi Hai, actually was the author, seems to me not quite certain³. An argument against his

¹ "The books of the Academy," of which, according to the statement of his pupils in their commentary (p. 36) on Chronicles, Rabbi Saadia made use, do not mean Geonic writings, as Harkavy holds, in Samuel ben Hofni, 28; they were books in the library of the Academy, and have nothing to do with either שמועה or מהיבוא.

² Rapoport in his *Biography of Rabbenu Hananel*, note 36, called attention to many differences between the ס' המקצועות and Rabbenu Hananel. His conjecture that the ס' המק' was begun by Rabbenu Hananel and then elaborated and worked over by another hand is a theory *faute de mieux*. The passage in אר"ו, I, 167 a, to which Berliner in הנגל, 20, refers, is to be emended to read ורבי הנ' instead of רר' הנ', for, as appears plainly from the quotations taken by Berliner from the אר"ו, the author did not ascribe the ס' המק' ר"ה to ס' המק'. This also disposes of Berliner's statement that the ס' המקצועות was in part arranged according to the treatises of the Talmud; פ"ג in this passage of the אר"ו refers not to the ס' המק' but to ורבי הנגל. Though the ס' המק' was not written by Rabbenu Hananel, the author must have been a North African, the only explanation that could be offered for the frequent references to African scholars to whom Geonic Responsa were addressed.

³ Rapoport's view, that this book, too, owned R. Hananel as its author,

authorship is the circumstance that he wrote his *Book of Commands* in Arabic. Accordingly, it would be fair to assume that he would follow the example of Rabbi Saadia, Rabbi Samuel ben Hofni, and Rabbi Hai, in writing his code in Arabic, as they wrote theirs in Arabic, in which case it would be strange that ס' הפיץ is known to the Franco-German authors only, since an Arabic work would naturally have had vogue among the Jews of Arabic-speaking countries.

Among the works of this class we should put the בשר על גבי נחלים, whose author was called Gaon by so early an authority as Rabbi Isaac of Vienna, in his אור זרוע, II, 52 a. Of course, Gaon need not be here taken in its original sense. It probably means nothing more than a great authority of the eleventh century¹. The oldest

cannot be justified. As we can see from ש"ש, I, 63, and משה, 61 a, הפיץ is not the name of a book, but of a person, and the expression ספר הפיץ is elliptical for ספר ר' הפיץ. For references on Rabbi Hefez see the article in the *Jewish Encyclopedia*, s. v., by the present writer, to which should be added Steinschneider, *Arabische Literatur*, 107, and Bacher, *Leben und Werke Abulwalid's* (1885), 89-90. Dr. Marx calls my attention to the passage *Saadyana*, 53, proving that not Rabbi Hefez, but Ibn Hofni, must be the author of the fragment published in *J. Q. R.*, VI, 705. א' המצה, III, 61; however, it is very questionable whether the author did not have Rabbi Samuel ben Hofni's code in mind. This code seems to be the source for the passage in אשכול, l. c., 127-9. Furthermore, that the Halakic decisions of Rabbi Hefez come from א' המצה is highly improbable. The assumption can hardly be based upon the words of the א"ו, *Baba Batra*, 77; 78: וב' נאונים הקרא הפיץ. On the other hand, in א"ו, *Baba Mezia'*, 275, the reading should be (ב' המצה = המצה), instead of ב' המי. To the quotations from א' הפיץ, collected by Rapoport and others, should be added that in *Cod. Oxford*, 692, extracted by Professor Schechter, in *J. Q. R.*, III, 342. Comp. also Gross, in *Z. H. B.*, XI, 178; the MS. described by Gross is now in the library of the Jewish Theol. Sem.

¹ It is a well-known fact that the North Africans, Rabbi Hananel and Rabbenu Nissim, the Spaniards, Rabbi Moses ben Enoch and his son Enoch, as well as Rabbi Joseph ben Abitur, and the Italians, Rabbi Kalonymos and his son Rabbi Meshullam, were called Geonim by their successors. Likewise, Müller's emendation in his *Mafteah*, 178, 19, changing ישראל נאון into ר' שרירא, cannot be endorsed. He is identical with ישראל הכהן ר' quoted in ש"ש, I, 30, 83, probably one of the older

author who refers to the book is Rashi¹, and we are thus justified in attributing a rather high age to the book. To judge by the quotations from the book, it contained important פסקי הלכות, which now and again are justified by means of Geonic Responsa². The reference to the Responsa of the heads of the Academies in Jerusalem and Babylonia shows plainly that the work is not by a Gaon. It was very probably written by an author from Frankish lands, in the eleventh century, a time in which the Jews in Europe carried on learned correspondences with the Palestinian scholars³.

A work more widely known than either of these three was entitled מתיבתא, or מתיבתא, a collection of Geonic Responsa frequently quoted by German, Provençal, and Spanish authors⁴. The title was probably derived from the fact that the Geonic views given in the book were introduced with the words שדרו ממתבתא, and as the author was not known otherwise, he was called the בעל מתיבתא, "author of the [decisions of the] Academy." The widespread use of the book testifies to its antiquity and to the respect in which it was held. Yet Rapoport's opinion, that the author was Rabbi Hai, must be rejected absolutely, in view of the fact that the בעל מתיבתא is quoted in opposition

North African scholars, like Rabbi Meborak, who also is called Gaon. The ר' דניאל גאון mentioned by Müller, l. c., whom we meet again in שב"ה, 14, in all probability is the brother of Rabbi Nathan ben Jehiel, one of the oldest authorities in Italy. Comp. Zunz, *Ritus*, 192-3.

¹ ר"ש ד"צ ו"ל, 82.

² On this Halakic collection, comp. Freimann in *Z. H. B.*, X, 178-82, and Sulzbach, in *Jahrbuch jüd. liter. Gesellschaft*, V.

³ Comp. above, pp. 88-9; Epstein, *Monatsschrift*, XLVII, 340, and an article by the same author in *הגרן*, VI, 69 et seq.

⁴ Quotations therefrom have been collected by Rapoport in his *Additions to the Biography of Rabbi Hai*, end, and Harkavy, *Samuel ben Hofni*, note 73, to which should be added שירס, 21 c, 21 d; *Ittur*, 1 b, 11 a, 24 a, 14 b, 52 b. Auerbach, in the introduction to the אשכול, enumerates מתיבתא among the sources cited by Rabbi Abraham ben Isaac, but I did not find it in the three printed parts. Dr. Marx calls my attention to Nahmanides, on *Kiddushin*, 59, and ההרומה 'ס, 40 d, and 226 b, where מתיבתא is quoted.

to Rabbi Hai¹. Though on the whole presenting the views of the Babylonian Geonim, the work nevertheless pays regard to the *Yerushalmi*. This would suggest that it was a product of the scholars of Kairwan, who, in spite of their respect and veneration for the Babylonian Academies, did not neglect the study of the *Yerushalmi*.

The *שמושה רבא*² is a Halakic treatise of the Geonic time giving a short description of how phylacteries are to be made, together with some few of the injunctions bearing upon them. A most interesting point is that the little tractate contains a number of Halakic and Haggadic dicta not known from any other sources, which are set down in the name of Babylonian Amoraim. The alternative offered is to consider these dicta as fabricated for the occasion, or as oral or written traditions of the Talmudic time still at the disposal of the author. If the last is the correct assumption, then they must have originated in the early Geonic time, when the Talmudic tradition had not yet been broken off entirely. The proof for the high age of the book is not only the idiomatic Aramaic in which it is written, but also the emphatically expressed view that only scholars, or at least only men of some learning, should put on phylacteries. In the controversy between the Rabbanites and Karaites, the former, at so early a time as Rabbi Jehudai Gaon's, the very beginning of the Karaite schism, insisted upon the scrupulous observance of the law of phylacteries on the part of every single individual³.

We are no longer in a position to form any sort of

¹ Comp. *'Iffur*, 14 b-15 a, where Rabbi Hai's view is opposed to that of the *מהיבא*. In *'Iffur*, 45 d, *ומר רב מהיבא* should probably be read *ומר רב מהיה*.

² In the editions of the *רא"ש* at the end of *הלכות השלין*. Comp. also *מח' וסרי*, 639, 641, 644-5; *שב"ה*, 193; and *אשכול*, II, 91. Rabbi Judah Albageloni was the probable source for all these authorities.

³ Comp. the Geonic Responsa in *אשכול*, II, 90; *'Iffur*, II, 26 c-d; and *ה"ש*, 155, where it is wrongly ascribed to Rabbenu Hai.

idea what the תקן גאונים¹ was, mentioned by Rabbi Jacob ben Asher in *Tur, Oraḥ Ḥayyim*, 51. Remembering the freedom with which later authors applied the title Gaon, we must even begin to doubt whether Rabbi Jacob meant the Babylonian Geonim or the old French scholars.

ORIGIN OF THE RESPONSA COLLECTIONS.

The first attempt at gathering the Responsa that had been in free circulation for centuries, on which our twelve² printed Responsa Collections of the Geonim are based, must have been coincident with the time when scholars began to make use of the decisions of the Geonim as foundations for independent works of Halakah. This does not take account of the collections kept by descendants of Geonim, who treasured them as heirlooms³. When and where the first Responsa collection was made cannot be determined now. But one will not go far wrong in fixing upon the time of Rabbi Hai as that in which the attention of scholars was first turned to such work. Only in the questions addressed to the last Gaon⁴ does one meet with frequent references

¹ Probably identical with שמואל רבא דגאונים in שמואל 234, כה' ורבי' in שמואל רבא דגאונים is a synonym of תקן.

² Müller has described eleven of these collections in his *Mafteah*, the twelfth, קהלה שלימה, by Solomon Wertheimer, Jerusalem, 1899, did not appear until after his death, and it contains Geonic Responsa from the Genizah. Wertheimer also printed some Geonic Responsa in his Collection בני ירושלים, I. Prof. Schechter's *Saadyana* contains but few Halakic Responsa. The one published there on p. 127, lines 77-94, is to be found also in the Geonic Collection, ed. Mantua, 109. Dr. Harkavy has published some Geonic Responsa in the Hebrew periodicals הַפְּסָקָה, הַשָּׁלֵם, and הַתְּפִינָה.

³ Comp. *J. Q. R.*, XVIII, 412.

⁴ Müller, in his *Mafteah*, 203, is not altogether accurate when he asserts that Rabbi Hai was the first to give careful study to the Geonic Responsa. It would have been more correct to say that this department of study developed at the time of Rabbi Hai, and thence it came that many inquirers addressed themselves to him and asked for explanations of obscure points in the רשימה, which were cited in the questions directed to him much more frequently than in his replies. The definition of a scholar in פ"ט, 91a, is interesting in connexion with this point. It

to the Responsa of the Geonim, which would seem to indicate that Responsa were then considered a department of Rabbinical study. It is also noteworthy that Rabbi Hai is the first of the Geonim to refer to anonymous Responsa¹. When his predecessors adduced the views of earlier Geonim, they almost always set down their names explicitly. While in the earlier time the name of the Gaon was needed to give sanction to his decision, later on it sufficed to confer authority upon a Responsum if it was known as Geonic. Hence the indescribable arbitrariness with which the names of the Geonim were juggled about in the Responsa Collections preserved. Müller made the attempt in his *Mafteah* to arrange the Responsa according to the Geonim, an arrangement that falls short of giving satisfaction in a reference-book².

occurs in a question submitted to Rabbi Sherira, and specifies the requirements to be knowledge of the third and the fourth Order of the Talmud, and of the ג"ה. The ה"ו thus formed no essential part of scholarly equipment.

¹ Comp. Müller, *Mafteah*, 203, note 13.

² If it is borne in mind that there were six Josephs and six Haninas, four Zemahs, two Kohen-Zedeks and two Hilas, three Hais, three Natronais, and three Jacobs, among the Geonim, it will be seen readily that it is impossible in a large number of cases to determine the authorship of a Responsum even when a name handed down by tradition accompanies it. It is Müller's opinion that Kohen-Zedek II wrote no Responsa, but we now know otherwise; see *J. Q. R.*, XVIII, 402. Nearly all the Responsa containing Rabbi Zemah's name in the superscription he attributes to Rabbi Zemah ben Paltoi, and yet there can be no doubt that many of them belong to Rabbi Zemah ben Hayyim; comp., for instance, nos. 2 and 50 (see above, p. 43, note, second line), and no. 122, where reference is made to a case decided by Rabbi Zadok, the Gaon of Sura. Add to this the confusion that results from the frequently abbreviated names; ש"ר may stand for Rabbi Sherira, but with equal propriety for Sar Shalom; ג"ר may be read Rabbi Natronai or Rabbi Nahshon. It is not an undue exaggeration that barely a third of all Responsa known can be assigned to authors with any degree of certainty. Müller, desirous of paying due respect to all the Geonim alike, frequently classified the same Responsum under several Geonim in his *Mafteah*, as, for instance, 104 (ה) is assigned to Rabbi Natronai, also 67 (ו) to Rabbi Jehudai. Of the decisions ascribed to Rabbi Natronai in ע"ה, 141, some appear in Müller, 108 (ו"ט-ה"ט), among those ascribed to this Gaon, the rest are

As the scholars of Kairwan make most frequent reference to the Responsa of the Geonim in their questions addressed to Rabbi Hai, the hypothesis suggests itself that North Africa was the country that saw the earliest attempts to bring order into what was coming to be an amorphous mass of Responsa. It has been established that close relations subsisted between the Babylonian Academies and the North African congregations since the beginning of the ninth century¹. This would add to the plausibility of the hypothesis. However this may be, what can be asserted without fear of contradiction is, that it was not Babylonia in which Responsa Collections were made up. Although the supposition expressed in *G. S.*, p. 310, that the Geonim kept copies of the Responsa sent to congregations in the country and outside, has been corroborated by a recently published Responsum², it may nevertheless not be assumed that these copies served as nuclei for all or any of our Responsa Collections. The reason is this: Among the published Responsa Collections there is not one that contains the decisions exclusively of the Babylonian Geonim. They always include Responsa by authors living elsewhere, either in North Africa, Spain, or France, at about the time of the extinction of the Gaonate. It would be too hazardous to dispose of all Responsa of this class by declaring them to be later additions to the Babylonian Collections. If we were disposed to resort to so easy a subterfuge, the following data would prevent it effectually.

The first Responsa Collection to appear in print, פ"ה, contains, besides the extracts of the decisions of the

missing. On p. 218 (ר"צד) a Responsum is listed among Rabbi Hai's, but on p. 272 it is put among the anonymous Responsa. The only satisfactory classification of these Responsa would have to be based on their contents; headings formulating the subjects dealt with would at the same time provide for various versions of the same Responsum.

¹ Comp. above, p. 32. The Geonic Responsa made use of by the collector of the *Parde's* are likewise addressed to the scholars of Kairwan.

² Comp. *J. Q. R.*, XVIII, 402.

Geonim, only those of Rabbi Enoch of Cordova, a contemporary of Rabbi Hai. The important collection, ג"ש, contains, in addition to the Geonic Responsa, decisions by Rabbi Moses of Cordova, a contemporary of Rabbi Sherira, by his son Rabbi Enoch, and his disciple, Rabbi Joseph ben Abitur, and by Rabbi Meshullam, the last three contemporaries of Rabbi Hai; and also decisions by Alfasi, who was twenty-five years old at the death of Rabbi Hai. Likewise in the Collection פ"י no authors younger than Rabbi Hai are named. We now have two sets of facts before us. On the one hand, we have seen that the impulse to make Responsa Collections cannot be proved to have manifested itself earlier than the time of Rabbi Hai. On the other hand, we have seen that in the three Responsa Collections instanced, certainly among the oldest of their kind, no younger authority than Hai is mentioned, if we except Alfasi, while the non-Geonic authorities mentioned are contemporaries of Rabbi Hai outside of Babylonia. This would seem to make it impossible to declare the Responsa by non-Babylonian authors in the Collections as later additions. Or, we should owe ourselves an explanation of the fact that they include no Responsa by scholars living after Rabbi Hai.

In scrutinising the arrangement of the Responsa, two points can be fixed upon which seem to have been of significance to the collectors. As these two points are incongruous in character, the result is that there is not one of the Responsa Collections executed according to a consistent plan. The two points are authorship and related subject-matter.

The questions submitted to the Geonim were either dubious cases of practical bearing, hence unconnected one with another, or dubious cases coming up in theoretic study which were more likely to have some relation to one another, especially if their common point of departure was a given section of the Talmud. An example of the latter class is afforded us in the fragment published in

G. S., pp. 328-36, containing a number of Responsa by Rab Amram on הלכות ציצית. These have not been arranged in the order given by a later hand. The order is original with their author, who obviously was requested to explain and codify the laws on ציצית given in the fourth section of the Talmudic treatise *Menahot*. This example shows that it is not always safe to attribute a logical arrangement of Responsa according to subject to the collector. It may be the work of the Gaon in the same sense in which he is the author of the Responsa themselves. However, it cannot be denied that the Collectors were particularly concerned with arranging the matter at their disposal in the most logical manner possible.

Isolated portions of the printed Responsa Collections, and some of the fragments published in "Genizah Studies," have been spared the systematising hand of the collector, but no complete collection known has been similarly fortunate. This lends peculiar interest to the Responsa lists published in *G. S.*, pp. 56-71. Their authenticity can hardly be doubted, guaranteed as it is by the name of the Gaon, the name of the addressee, and their checkered contents. A comparison of one of these lists with the printed Responsa Collections reveals how imperfectly even such among the latter as are supposed to have reached us in their original form have preserved the initial order in which they were arranged. Of the thirty-two questions on pp. 67-8, below, addressed by Rabbi Jacob ben Nissim to Rabbi Sherira and his son Rabbi Hai, there are but two—and these two in widely separated places—that occur in the Collection published by Dr. Harkavy, which he describes as having been planned on the basis of the duplicates kept by the Geonim in Babylonia.

But this pitfall of not being able to re-establish the original order of the Responsa is not the only one. Care must be exercised not to mistake decisions by European and North African scholars for decisions by the Geonim. This applies particularly to the large number of anonymous

Responsa in the Collections of *Geonim*, not by the *Geonim*. The quotations from the Responsa of the Geonim in the older Halakic literature are an excellent guide. To the authors of this literature Geonic Collections were accessible, more accurate and reliable than ours. But these same authors have a far higher function to perform in the study of Geonic literature. Their main value is that they knew a multitude of Geonic Responsa that have come down to us through no other channel besides. In his *Mafteah* Müller has made the first attempt to bring them together, and as a first attempt it is most satisfactory. But he has not dug out even the half of the hidden treasure to be found in numerous works, beginning with Rabbi Hananel and extending down to Caro 500 years later¹.

As an exemplification of the importance of Halakic literature for the study of the Geonim, there follow three lists of Geonic quotations in the works respectively of a Spanish, an Italian, and a French scholar, parallels in our printed Responsa Collections and in other sources being marked.

The first list contains quotations from three works by Albargeloni as the representative of the Spanish school :

SPANISH SCHOOL.

ALBARGELONI.

ספר העתים (a)

גמ"ומ ס"ה	17 ותו הא	ג"ל ס"א	2 וש
ש"ה רל"ב	17 ותו	ג"ל ס"א	3 גאן
ש"ה רל"ה; ה"פ קל"ב;	17 ובחשובה	ש"ן, הי	10 ושארנו
הש"ר ב', נ"ח			10 שרירא
ש"ה ר"מ; ה"פ קל"ג;	17 ותו		13 האי ²
הש"ר ב', נ"ו			15 שרירא
ה"פ קל	18 ששאלהם	גמ"ומ ס"ר	17 ובשאלה

¹ David Kaufmann, in the *Bet Talmud*, III, 64, published two Responsa by Rabbi Sherira and Rabbi Hai from a MS., not noticing that the same are to be found in the Responsa of Rabbi Solomon ben Adret, V, 25 a-b, no. 121.

² In his commentary?

גמ"מ ל"ד	125	ובפסקא	ש"ה רל"ט	18	ובשאלה
ה"ג ה' ק"ל	132	שלום	נ"ל פ"ב; ש"ה ז"א;	19	רבוהא
גמ"מ ל'	135	לגאון	ה"ג ה'	26	לגאון
ה"פ קמ"ז	135	ובפסקות	גמ"מ נ"ו; לקמן קנ"ח	26	ששאלתם
גמ"מ ל'	136	ובפסקא	גמ"מ ס'	26	ששאלתם
גמ"מ כ"ט	139	גאון	ה"פ קכ"ט	26	ששאלתם
ה"פ קמ"א	143	ובפסקא	גמ"מ ס"א	27	וגאון
ה"פ קמ"ו	143	וששאלתם	גמ"מ ס"ב	27	שרירא
ה"פ קמ"ו	143	ששאלתם	ערוך, הי	34	גאון
גמ"מ ע"ב	143	וששאלתם	ה"ג, ק"ג	1	האי
גמ"מ ע"ב	143	ועל בור	ה"ג, ק"ז	37	רבנן
גמ"מ ע"ב	144	ועל מרוב		38	האי ²
ה"פ קמ"ה	144	ובפסקא		39	האי ²
גמ"מ כ"ז	148	ובשאלה	ה"ג a 13	39	בפסקות ובגדולות
גמ"מ כ"ד	149	ובתשובה	ה"ג a 13	39	ובגדולות
גמ"מ כ"ה	149	וששאלתם	ג"ל ע"ו	43	האי
	150	ובתשובות	ג"ל ע"ה; ש"ה מ"ה	46	לגאון
	153	לגאון	מפתח קי"ח	48	האי
גמ"מ כ"ד	154	וששאלתם	גמ"מ כ"ג	49	רבוהא
ה"פ קל"ט	157	וכתב גאון	גמ"מ כ"ג	49	ובתשובה
ג"ל ס'	160	ובתשובה	ה"פ ק"מ	52	בפסקות
ה"פ קמ"ד	160	לגאון	גמ"מ פ"ז?	53	רב יהודאי
סר"ע a 25	172	נפרונאי		56	השובה
סר"ע a 25	173	שלום	ה"פ קמ"ה	57	האי
גמ"מ ק"ו	174	נפרונאי	ה"פ קמ"א	64	בפסקא
סר"ע b 25	176	משה—נפרונאי	גמ"מ לה	64	גאון
ה"ג a 47; ה' רל"ז	178	הלכות	ה"פ קמ"א	65	ובתשובה
ג"ל ז"ב	178	נפרונאי		66	ובפסקא
ג"ל ז"ב	182	מנהג—נפרונאי		74	בתשובה
ג"ל ז"ד	182	האי		74	וששאלתם—והו
ש"ת קי"ד	183	מתניה		76	שרירא
בסדר שלו?	183	האי		91	ובתשובה
נ"ל ז"ב	183	נפרונאי	הש"ר א', י"ד	94	הגאון
ש"ש 7, I	185	נמח	גמ"מ כ"ט	104	ובפסקות
ש"ש 9, I	189	מנחם	ה"פ קמ"ב	109	ובפסקא
ש"ש 10, I	190	סגריה	גמ"מ ל"ג—ל"ד	109	אמרינן
ה"ג d 12	190	ובהלכות	ה"פ קמ"א	110	לגאון
נ"ל ז"ה	191	שרירא	ש"ה ר"ו	114	וששאלתם—והו
ה"ג b 12; ה' מ"ה	193	ובפסקות ובגדולות		114	והו חצירות
ה"ג a 13	193	ובפסקות		115	האי
	195	ובתשובה		116	האי
ש"ש א', י'	195	האי	גמ"מ ז"א	124	ובפסקא
ש"ת קט"ו	196	יהודא	ה"פ קמ"ח	124	ועירוני—והו
ה"ג • 12; ה' מ"ר?	199	ובגדולות	נכו"מ ל"ב	124	ששאלת
				124	שרירא

¹ In his commentary.² Comp. ש"ש, I, 18-19.

	הא"י 260		199 ובהשונה
I, 69 אשכול	מתהיה 264	I, 10 ש"ש	199 רב שלום
29 a סר"ע	נשרוניא 266	ג"ל ס"ג	200 ובפיסקא
	הא"י 267		200 ובהשונה
	מתהיה 267	ג"ל נ"ג	200 הא"י
	הא"י 268		201 סעריה
	סעריה 268	ג"ל נ"ו	202 עמרם
	שריאה 268	ש"ה קצ"ו	203 הא"י
	הא"י 268	ש"ה ק"ו	203 עמרם
	מתהיה 269	ה"ג d 13; ה' נ'	204 בפסקות
	צמח ובפסקות 270		204 צמח
	ובפסקות 270	ש"ה קי"ט	204 הא"י
28 b סר"ע	נשרוניא 270	ש"ש 5, I	204 נשרוניא
28 a מנהיג	פלכוו 270	ה"ג d 13; ה' נ'	206 ובפסקות ובגדולות
	הא"י 271		—שתי פעמים—
29 a סר"ע	נשרוניא 272	ש"ש 3, I	207 רבוותא
	הא"י 275	ה"ג c 12; ה' נ"ג	211 ובפסקות ובגדולות
בסורו?	סעריה 275		211 צמח
	הא"י 275		211 מתהיה
בסורו?	סעריה 276	ה"ג c 12, ה', מ"ד	211 ובגדולות
	הא"י 276	ג"ל נ"ח	212 הא"י
	פלכוו 276		215 הא"י
	עמרם 277	סר"ע b 26	218 נשרוניא
	הא"י 277	ג"ל נ"ט	222 הא"י
ג"ל צ"ג	הא"י 278	ה"פ ק"ל	235 ושאלהם
II a סר"ע	שלום 281	ש"ה רכ"ט	235 ושאלהם
נמו"מ קכ"ב	בפסקא 281	ש"ץ 1; 23 a	235 ושאלהם
ה"פ קל"ו	גאון 287	ש"ץ 2; 23 a	235 ושאלהם
	הא"י 288	ש"ץ 3; 23 b	236 ועבר
	הא"י 288	ש"ץ 6; 23 b	236 ושאלהם
סר"ע ו', כ"י ו'	נשרוניא 289	ש"ץ 18; 25 b	236 ושאלהם
	לגאון 289	ש"ץ 20; 26 a	237 הו
	סמיו 301	ש"ץ 21; 26 a	237 שאלהם
ג"ג ש"יה	הא"י 304	ש"ץ 27; 26 b	238 והו
	לגאון 306	ש"ץ 35; 27 a	238 ושפחה
	גאון 310	ש"ץ 37; 27 b	239 ושאלהם
ה"ג	הלכות 310		240 גאון
ג"ג קצ"ה	ושאלהם 316		248 הא"י
ג"ג קצ"ה	ובשביל 316		248 שריאה
	ובפסקא 317		249 רב הא"י
	האי ¹ 337		249 נשרוניא
	הא"י 339	בפירושו?	252 הא"י
	גאון 341		253 מתהיה
	גאון 343		253 הא"י
עירך, אמך	הא"י 347	ג"ה 156	253 הא"י
		ג"ה 103	257 הא"י

¹ Are the following five quotations taken from R. Hai's commentary on *Shabbat*?

ספר השטרות (b)

82	ורבוואהא		8	האיי
84	רבוואהא	8 =		9
86	שמואל ²	מלהמת ה' להר"מבן,		11
86	שרידא	קדושין ט'		
87	לארוננו [האיי]	18 =		17
105	בן חפני	ג"ג רנ"א		18
124	רבוואהא ³	אלפסי, בבא בתרא, מ"א		24
125	האיי			53
126	האיי			1
126	יהודאי	24 =		7
	ה"ג ק"ה, ע"א			76
				78

פירוש ספר יצירה (c)

114, 128	האיי	ג"ל קט"ו	22	הנאוניס
137, 138	האיי ⁵		25	שרידא ⁴
149	האיי ⁵		26	האיי ⁵
154	האיי ⁵	II, 44	28	האיי
166	ובישיבה	II, 46	74	שרידא ⁶
166	לרבינוסעריה	ה"ג, ה', ג'	85, 86	הלכות
262	האיי ⁵	מצם וקנים ג"ד	103	האיי

The second list illustrates the Italian school by references to the שבלי הלקט by Zedekiah dei Mansi. In this list and the third, special devices have been adopted for two purposes. A cross (+) indicates that the Responsa cited are not by Geonim, but by old French and Italian authorities, called Geonim by courtesy. Again, when there are doubts as to the origin of the Responsa with actual Geonim or Geonim by courtesy, a query is put against the citation.

¹ In his commentary on *Baba Batra*.

² In his treatise on Witnesses?

³ Compare Halberstam's remarks.

⁴ Comp. *Tosafot* on *Baba Batra*, 10 b, catchword *עליונים*, who quoted it from R. Hananel's commentary.

⁵ Comp. above, pp. 171-2.

⁶ In this collection, as in Harkavy 199, the responsum is ascribed to R. Hai.

ITALIAN SCHOOL.

ZEDEKIAH DEI MANSI.

שבלי הלקט

	13 שרירא	נ"ג קב"ו	1 נסרונאי
ה"ג קכ"ה	13 צמח	?	1 ולגאון
+	14 הנאוניס ⁶		3 הנאוניס
	14 לנאוניס ⁷		3 בתשובה
פרס b 22	14 האי	נ"ג קב"ו	3 נסרונאי
+	15 לנאוניס	+	6 ונאון ¹
?	16 לנאוניס ⁸	ערוך, הפל	7 משה
	16 סעדיה	+	7 לנאוניס
I, 31 ; ש"ש 59	17 לנאוניס	כ"ג b 4	7 הנאוניס
ה"ג מ"ו	18 לנאוניס	+	7 הנאוניס
	19 ונאון		8 האי ²
II, 11, 12 הש"ר	19 האי		8 יהוראי ²
סור וב"י א"ה ק"כב	20 פלסוי	+	8 ונאון ³
פרס a 58	20 האי	+	9 והנאוניס
ג"ה כ'	21 הנאוניס	+	9 הנאוניס ⁴
משה ר"י	22 האי	רא"ש, ברנח b 47	9 האי
	22 וכו'—סעדיה ⁹	הש"ר II, 22; ט"ר, II, 11a	10 נסרונאי
פרס a 58	22 האי	ג"ל פ"ר	11 הנאוניס
?	22 לנאון	ה"ט צ"ב	11 נשאל
	22 ולגאון	+	12 לנאוניס
+	23 לנאון	כ"ג b-5 a 4	13 עמרם
	23 לנאון	ה"ג, ה' רכ"ר	13 נהשון
	24 לנאוניס ¹⁰	פרס a 58	13 נסרונאי ⁵
פרס a 44	25 כהן צדק	כ"ג b 4	13 סעדיה

¹ Not a Babylonian authority, the prayer לילול is of Palestinian origin, comp. Ratner, אהו"י, *Berakot*, 199-200, and *Tur, Oraḥ Ḥayyim*, 46.

² Comp. *G. S.*, p. 273, n., where ויהקלס is used by R. Hai, and *R. É. J.*, LIV, 195.

³ Is hardly a Babylonian Gaon, the explanation shows the influence of mysticism; comp. *Pardes*, 57 d-58 a.

⁴ German authorities, as indicated by the name יהודה ב"ר יצחק.

⁵ The text of שב"ה"ל is to be amended in accordance with *Pardes* and הש"ר I, 52.

⁶ Italian authorities; R. Daniel is the brother of R. Nathan b. Jehiel, comp. above, p. 179, n. 1.

⁷ Comp. Ratner, אהו"י, *Berakot*, 51-2.

⁸ Comp. *Tur, Oraḥ Ḥayyim*, 66, and the authorities given in Bet Yosef, ad loc.

⁹ This passage is undoubtedly of Geonic origin; perhaps a literal quotation from R. Hai's *Seder*.

¹⁰ Comp. *Tur*; *Bet Yosef*; *Oraḥ Ḥayyim*, 594, and ט"ט, I, 30.

נמו"מ ס"ב	הנאוים	45	ה"ג נ'	נפרנאי	25
	הנאוים	46	כר"ע ב 35	נהן ¹	28
ה"ג, ה' פ"ד	גדולה	46	פרס 60 d	האי	28
ש"ה ק"ט	הנאוים	46	הש"ר II, 42	האי	28
II, 9 b א"ו	הנאוים	46	כר"ע 19 a	סד שלום	28
	נהן [צדק]	47		וגאן	28
נמו"מ קמ"ו	שרירא	48	כר"ע ב 37	זמרים	29
ש"ה ר"ט	והנאוים	49	סור אורה היים הר"ג	וגאן	29
ה"פ ק"ל	נפרנאי	49		נאן ²	30
כר"ע 25 a	שלום ⁹	50	ה"ג, ג"ד	נפרנאי	31
כר"ע 25 a	נפרנאי ¹⁰	50		זמרים ³	32
כר"ע 26 a	זמרים ¹¹	51	כר"ע 29 a	זמרים	33
כר"ע 25 b	ר' משה ורב	51	+	לנאן	33
	נפרנאי		+	לנאן	33
כר"ע 26 b	זמרים	52		יהודאי	33
ה"ג c 12; ה"ג ה' מ"ד	ובהלכות	52	נ"ל צ"ד	הנאוים	34
עזים קצ"ט	הנאוים	53	כר"ע 29 a	נפרנאי	35
פרס 38 a	הנאוים	53	ג"ג, ק"ב	נפרנאי	35
ש"ה קש"ו	יהודאי ¹²	53	+	נאן ⁴	37
	הנאוים ¹³	54		האי ⁵	37
נ"ל נ"ו	זמרים	54	?	נאן	37
לקובי פרס 9 d	הנאוים	56	כר"ע ב 14	זמרים ⁶	38
ג"ל צ"ב	האי	57	ה"פ קב"ב	לנאוים	38
כר"ע 29 a	נפרנאי	57		בהשבוה ⁷	38
	פלסוי ¹⁴	58	ג"ה קל"א	האי	39
רי"ף פ"ד, מנה	נפרנאי	59	נ"ל ע"ו	האי	39
?	לנאוים	59	+	הנאוים	41
ה"ג ק'	נאן	60	ה"ג, מ"ה	נפרנאי ⁸	42
ה"פ קמ"ו	צמח	62	ש"ה רע"ה	נפרנאי	44
+	הנאוים	63	רמ"ב מלחמה שנה	שרירא	45
			ראש ע"ג		

¹ Comp. above, p. 150, n. 1.² Comp. ה"פ, 190.³ Not in the *Seder*, neither in 24 a nor 29 a.⁴ Later than R. Hai whose opinion is quoted.⁵ In his commentary on *Berakot*?⁶ Our text of the *Seder* has a different wording. MSS. S and O agree with the printed text.⁷ The version of the שב"ה is essentially different from that given in כר"ע 11 a, and *Pardeš*, 56 b; comp. *G. S.*, p. 49, and Additions.⁸ This responsum is ascribed to R. Nahshon in ה"ג; comp. also above, 119, n. 3.⁹ The version of שב"ה agrees with that in פרס, 55 d, and not with כר"ע.¹⁰ Comp. פרס, 55 d, and מו"מ, 120.¹¹ ברנה מיין שבע is not *Kiddush* but the שבע in קדושה.¹² In ה"ג it is ascribed to R. Hai.¹³ Comp. *Tur, Oraḥ Ḥayyim*, 271.¹⁴ Comp. אשכול, II, 1; *Tur, Oraḥ Ḥayyim*, 283.

פרס a 7	האיי 103		הגאונים ¹ 66
סר"ע b 31	נפרונאי 104	ה"ג, ה' ס"ט	הלכות 67
שאלה צ' 8	בשאלות גדולות ⁸ 106	+	וגאונים ² 70
פרס b 38	האי 108	?	הגאונים 71
	חינאי 108	נמו"מ ל"ב	הגאונים 72
פרס c 41	האי 109	+	וגאון 77
?	הגאונים 110	+	וגאון 77
	לגאונים 112	מפתח ס"ח	יהודאי 78
ש"ש 3, I	פלסוי ⁹ 114	?	לגאונים 79
אשכול 43, I	האיי 115	+	וגאון ³ 79
	הגאונים 115	+	וגאון 80
ש"ש 99, II	האיי 115	ה"פ קל"ט	יהודאי 83
ה"ג a 10	ובהלכות 115		וגאון 83
ג"ל נ"ו	עכרם 116	ה"פ קל"ט	יהודאי 83
ה"ג a 9	יהודאי 116	?	הגאונים 83
ג"ל מ"ו	לגאונים 116	ה"פ קל"ט	יהודאי 84
שאלות נ"ד	אחאי 116		וגאון 84
ה"ג d; ה' ס"ר	הלכות 117	ג"ג, שצ"ט	יהודאי 86
	הגאונים 117	ג"ל ס"ו	האיי ⁴ 88
טור אר"ח קצ"ח	וגאונים 118	ש"ה ר"ד	האיי 89
ה"ג d 8	יהודאי 120		וגאון 90
ג"ל מ"ח	פלסוי ¹⁰ 120	+	הגאונים 92
ג"ל נ"ו	הגאונים 123	ש"ת רכ"א	הגאונים 94
ג"ל מ"ח	יהודאי 126		ולגאון 95
שערי הברכות ¹¹ שע"ח	בן חפני 126	מ"ו ק"ט	גאון 97
תש"ר 56, II	הגאונים 126	סר"ע 30 a	שלום 98
	ושאלהם 127	מ"ו ק"ר	הגאונים 99
שערי הברכות שע"ח	בן חפני 127	סר"ע 30 a	שלום 99
שערי הברכות שע"ט	בן חפני 127	סר"ע 31 a	נפרונאי 101
ה"ג c 7	והלכות 127	סר"ע 31 a	עכרם 101
ה"ג a 7 ה' נ"ד	הלכות 128		שירא 101
	ורבינו האיי 128		יוסף ⁵ 101
	הגאונים 130	סר"ע 32 d	עכרם ⁶ 102
שערי הברכות שע"ג	בן חפני 131	סר"ע 42 b	צדוק 103
אשכול 10, II	לגאונים 136	עשור II, 53 a	יוסף ובי' ⁷ 103

¹ Comp. *Tur, Oraḥ Ḥayyim*, 291.

² Comp. *ibid.*, 382.

³ Comp. *Bet Yosef, Oraḥ Ḥayyim*, 301 end.

⁴ The view ascribed to R. Hai in ג"ל is opposed to that ascribed to him שב"הל.

⁵ Comp. Müller, *Maṣteah*, 80.

⁶ Comp. above, p. 147.

⁷ Read יוסף גאון בר מר אבא.

⁸ Read בשאלות גדולות and comp. ה"ג, 9 b; ed. Hildesheimer, 67.

⁹ Ibn Gajāt quotes it on the authority of R. Hai, but R. Hai uses the words הגאונים הראשונים.

¹⁰ Comp. also Coronel, 57.

¹¹ Published in *Bet Talmud*, vol. III.

ערוך, חפר	166 שר שלום	ס"ע a 33	137 עמרם
	166 האי	ה"ג, קל"א	140 הגאונים
+	167 הגאונים	II, 12 אשכול	140 וגאון
ה"ג 28; ה' קמ"	171 בהלכות	ס"ע b 33	141 עמרם
סור או"ה ה"ס	[צדק] כהן צדוק 171	ה"ג כ"ד	142 הגאונים ¹
?	171 הגאונים ¹	ש"ת ר"לר	144 ממתנתא
ה"ג c 15; ה' הר"כ	172 יהוראי	ש"ת ר"לג	144 ממתנתא
גמו"מ קי"ד	172 הגאונים ⁶	שאלתה כ"ו	144 אהאי
+	173 הגאונים	+	145 הגאונים
ה"ג, ה' קל"ט	174 בהלכות וכו'	36 a ס"ע	145 הגאונים
	175 הגאונים	ה"ג, ה', הר"כא	147 עמרם
+	175 הגאונים	ג"ל ס"ה	147 יהודאי
גמו"מ, קי"ג	[צדק] כהן צדוק 176	142 =	147 יהודאי
ש"ת רפ"ד	178 כהן צדק	ס"ע 2	148 נמרוטאי
ה"ס קס"ד	178 ממתנתא	ה"ס קס"ו	150 עמרם
	179 האי		152 האי
+	179 הגאונים		153 לבאן
שאלתות פ'	181 אחאי		153 וששאלתה
+	182 לנאונים		155 גאון ²
	184 עמרם ³	ה"ס קס"ו	156 מצאתי ⁴
ג"ג קס"ה	197 הגאונים	ש"ש II, 109	156 צמח ⁵
ה"ג, ה' ק"מ	201 הגאונים	ש"ש II, 109	156 האי ⁵
עשור II, 53 c	201 כהן צדקו"ו	ס"ע b 37	157 עמרם ⁶
ס"ע b 40	202 הגאונים	ש"ת ק"מ	158 הגאונים
ה"ג a 30; ה' קמ"ד	202 ובהלכות	Saadyana, 59	161 סעדיה
	202 הגאונים	ש"ת פ"ו	161 האי
ה"שר II, 146	203 האי	+	161 בהשובה
+	203 הגאונים	ה"ג b 22; ה' קל"ד	161 ובהלכות
?	209 לנאונים	ש"ת צ"ג	162 האי
ש"ש II, 26	211 בהשובה	ש"ת ר"ס	162 לנאונים
ש"ת רי"ו	211 נהשון וכו' ¹⁰	שערים	162 האי
ש"ש II, 24	212 לבאן	ס"ו רנ"ה	163 האי וכו'
	212 וגאון	ש"ת רס"ה	164 הגאונים
+	213 בהשובה	ש"ת רפ"ג	165 לנאונים

¹ In *שב"ה* 148, ascribed to R. Natronai; comp. also *Tur, Yoreh Deah*, 401.

² Comp. Marx, *Untersuchungen*, 20.

³ R. Samuel b. Ḥofni? Comp. *ש"ה* 79 and *Mafteah*, 171.

⁴ Comp. above, p. 43, note.

⁵ Comp. above, p. 43, n.

⁶ Comp. above, p. 147, n. 2.

⁷ I doubt whether this Responsum is Geonic; notice especially the use of the word *רננים*.

⁸ Comp. *ש"ש*, I, 6.

⁹ Comp. above, p. 153, n. 1.

¹⁰ Read *צדוק* instead of *צדק*, and comp. above, p. 143, n. 1.

II, 120 d א"ו	267 יהודאי ⁸	ה"ג b 30; ה' קמ"ו	217 בעל הלכות
פרוש עורא	267 סעדיה	ה"ג c 137; ה' הר"ב	217 יהודאי
סדורו?	267 האי		217 הגאונים ¹
רא"ש, ר"ה פ"ר	267 האי	+	220 הגאונים
220 =	267 הגאונים	ש"ת קפ"ו	220 הגאונים
	268 לגאון	ה"ג a 36; ה' קפ"א	227 בהלכות
ה"ג c 6	268 הלכות	ה"ג a 36; ה' קפ"א	228 קירא
פרדס a 44	268 האי ⁹		229 וגאון
פרדס a 44	268 עמרם וכו'	ה"ג b 36; ה' קצ"ו	237 הלכות
267 =	269 האי		242 הגאונים
סר"ע a 45	269 גאונים		243 ושאלתם
	270 בחשובת	+	246 הגאונים
	270 עמרם ¹⁰	?	247 לגאון
	271 הגאונים		248 קירא ²
+		ה"פ מ"ו	248 נהן צרק
ה"ג, ק'	273 לגאון	+	249 הגאונים
ג"ל, מ"ה	276 יהודאי	רוקח שי"א	252 סעדיה ³
I, 25 ש"ש	278 האי		254 גאונים
I, 42 ש"ש	281 סעדיה	II, 2 אשכול	254 הגאון ⁴
סר"ע b 46	281 עמרם	+	254 הגאונים
I, 42 ש"ש	281 האי	ה"פ קצ"ב	254 הגאונים ⁵
ברגוני ס' יצירה קס"ו	282 ישיבות		257 גאונים
ר' הננאל סוף ר"ה	283 הגאונים ¹¹	ש"ת קנ"ה	258 ששנא ⁶
281 =	284 סעדיה—עמרם	תמים דעים III, 9 e	258 האי
רי"ף, פ"ד ר"ה	285 ריש מהיבתא ¹²	+	258 הגאונים
I, 44 ש"ש	286 הגאונים ¹²	ג"ג שמ"ה	259 הגאונים
I, 43 ש"ש	287 האי ¹³	I, 22 ש"ש	259 לגאון
	287 סעדיה	I, 21 ש"ש	259 הגאון
סר"ע a 50	288 הגאונים	שאלות ס"ו	260 אחא
סר"ע a 50	288 נכרונאי	רי"ף תענית	261 לגאון
גמול"מ ס"ג?	288 נחשון		261 הגאונים
שאלות קס"ו	290 אחאי		263 גאונים
+	295 הגאונים		263 גאונים
בסדור	295 האי	ש"ת ע"ו	263 נהן צרק ⁷
+	296 הגאונים ¹⁴	I, 50 חש"ר	266 הגאונים

¹ Comp. ש"ש, II, 108-9, and *G. S.*, p. 185.

² Not found in our two versions of ה"ג.

³ Comp. *Pardes*, 48 a סעדיה לי רב סעדיה, accordingly not the Gaon R. Saadia.

⁴ Comp. also Alfasi, *Ta'anit*, . . . and ש"בהל, 261.

⁵ Comp. *G. S.*, p. 263.

⁶ Comp. above, p. 104, n. 1.

⁷ In ש"ה ascribed to R. Hai.

⁸ Comp. Müller, *Handschriftliche Jehudai*, &c., II, and *G. S.*, p. 263.

⁹ Comp. ערים, 252 and 288.

¹⁰ Comp. above, p. 141.

¹¹ Comp. *Jerusalem*, VII, 167.

¹² In ש"ש, comp. ר' האי, I, 42.

¹³ Comp. *G. S.*, 261.

¹⁴ Comp. *Pardes*, 44 c.

	9 נברונאי 344	סר"ע 48 b	296 בישיבה
+	הגאונים 344	פרס 44 d	297 הגאונים
I, 42 ש"ש	10 הגאונים 345	ש"ה ס"ו	299 האי
+	הגאונים 346		299 יהודאי ¹
ה"ג b 42; ה' ר"ו	הגאונים 346	ה"ג b 32; ה' ק"ס	303 ההלכות ²
	הגאונים 347	ש"ה, שכ"א	307 הגאונים
	הגאונים 347	ה"ג b 32; ה' ק"ס	308 הלכות
	הלכות 347	ש"ה, ש"כ	308 נברונאי
	הגאונים 348		309 יהודאי ³
+	הגאונים 350	ה"ג d 32; ה' קס"ג	311 יהודאי
פרס 22 c	הגאונים 350	ש"ש I, 89	314 האי
ה"ג d 41; ה' ר"ו	יהודאי 352	ש"ה, ש"ט	314 נברונאי
	11 הגאונים 353	I, 100 ש"ש	315 פלסוי
ש"ץ 3; 20 a	הגאונים 354	ה"ג d 33; ה' קס"ח	315 הלכות
רכ"נ, הה"א, ס"ר	גאון 355	ש"ה ש"ו	317 הגאונים
	הגאונים 355		322 האי ⁴
+	הגאונים 357	?	323 הגאונים
+	הגאונים 357	ש"ש II, 107	325 האי
ה"ג c 42; ה' ר"ח	הלכות 360	+	327 הגאונים
	הגאונים 362	ש"ה ש"ר	328 שלום
	הגאונים 364	סר"ע 50 b	328 עזרם ⁵
+	הגאונים 364	עשור II, 42 d	328 סעדיה
ה"ג a 42; ה' ר"ה	בהלכות 365	עשור שם	328 האי
פרס 22 b	ולגאון 366	סר"ע 50 b	328 פלסוי
ש"ץ 13; 22 b	האי ¹² 370	ה"ג c 34	328 הלכות
ש"ץ 5; 22 a	גאון 370		328 הגאונים ⁶
ש"ץ 3; 22 a	גאון 371	+	330 הגאונים
ש"ץ 12; 22 b	יהודאי 373	ש"ה ש"ר	330 שלום ⁷
ש"ץ 11; 22 b	כהן צדק ¹³ 373	ש"ה שכ"ב	330 לגאונים
ה"ג, ה' ק"ו	צמח 374	א"ח I, 116 d	331 האי
ה"ג, ה' ק"ו	שלום 374	+	332 הגאונים
ה"ג a 24; ה' ק"ו	יהודאי 374	הש"ר II, 42	333 בהשוות
ג"ל מ"ה	יהודאי 374	ר"ף סוף סגולה	333 גאון ⁸
טור, א"ה, רס"ה ג"ג, ע'	לגאון 374	ר"ף ברכות פ"ג	340 האי
	קירא 376	שאלות ל"ר	342 אחאי

¹ Not in the *Halakot Gedolot*.

² Comp. Hildesheimer, ad loc.

³ Our versions of the ה"ג read differently.

⁴ Comp. *G. S.*, 310, and א"ח, I, 113 e.

⁵ The *Seder* is also the source for *Ijtur*, . . .

⁶ Comp. שב"ה, 216, 270.

⁷ ש"ה has only an extract of this Responsum.

⁸ R. Amram in his *Seder*, 51 a, differs from this view.

⁹ Comp. above, p. 194, n. 1.

¹⁰ The author is R. Hai.

¹¹ This is the Responsum to which reference is made in שב"ה, 257.

¹² Comp. אשכול, II, 123.

¹³ Read with ש"ץ: ובהשוות.

I רי"ף, הנניח, I	231 האי		104 הגאונים
35 b סר"ע	232 נתן	עורך, חלין	104 הגאונים
35 a סר"ע	233 ושאלו	ח"ג ק"ל	105 הגאונים
סר"ע, כ' פ"ו	233 ישיבות	ה"פ ק"לו	107 ושאלהם
35 b סר"ע	233 ישיבות	סר"ע I I a	108 עמרים
ה"ג a-43 c 44 ; ה'	234 הגאונים	סר"ע 30 a	111 שלום
ר"ד-רפ"ו	242 הלכות	+	114 הגאונים ¹
	244 ומהלכות וכו'	סר"ע 31 a	115 שלום
ש"ץ 9 ; 20 b	247 הגאונים	סר"ע 31 b	117 נטרונאי
ג"ל, מ"ה	249 יהודאי	סר"ע 32 a	119 נטרונאי
I, 14-15 תש"ר	251 יהודאי	ה"ג 35 c ; ה' קע"ט	139 יהודאי
גסר"מ ע"ב	251 נחשון ⁷	ג"ל מ"ה	146 יהודאי
שערים ⁸	255 הילאי	?	179 הגאונים
ש"ה, ר"צו	255 האי ⁸	ה"ג 34 d ; ה' קע"ג	194 בהלכות
ה"ג ה' קמ"א	261 יהודאי ⁹	ה"ג 34 d ; ה' קע"ד	194 בה"ג
שאלתות נ"ד	261 פלוטוי	שאלתות כ"ב	194 בשאלתות
ש"ש 99, I	268 צדק כהן ¹⁰	סר"ע 36 a	202 שלום
ה"ג a 7 ; ה' ג"ה	272 אחאי	ג"ל, מ"ה	203 יהודאי
ש"ש 103, II	276 הגאונים	סר"ע 36 b	208 עמרים
ה"ג d 29 ; ה' קמ"ב	278 הלכות	סר"ע 37 a	208 נטרונאי
ה"ג, ה' קמ"ה	278 הגאונים ¹¹	ס"ו	211 שאלתות ²
ה"ג, ה' ק"מ	279 הגאונים	סר"ע 37 b	211 נתן
ה"ג, ה' ק"מ	279 יהודאי	ה"פ ק"פ	212 הגאונים ³
ה"ג d 29 ; ה' קמ"ב	280 צמה ¹²	סר"ע 37 a	213 עמרים
סר"ע 26 b	281 נטרונאי	ש"ש II, 109	213 יהודאי ⁴
	281 ועד	סר"ע מ' י"ה	213 האי ⁵
	281 ועד	סר"ע 43 b	214 משה
	284 עמרים	סר"ע 43 b	228 נטרונאי
			229 עמרים ⁶

¹ Not Geonic, comp. above, p. 193, l. 27.

² Not a verbal quotation.

³ The author is R. Natronai, comp. above, p. 43, note.

⁴ Read נטרונאי in agreement with ש"ש l. c. and other authorities.

⁵ Hurwitz is mistaken in maintaining that R. Nathan in his 'Aruk, s. v. מבגל, ascribes this view to R. Zemaḥ.

⁶ MS. S of the *Seder* has likewise נהם and not רהם as printed text.

⁷ In נטרונאי : גסר"מ ; comp. above, p. 149.

⁸ Comp. שב"ה, 162 ; if not for this statement of I שב"ה I would be inclined to ascribe this Responsum to R. Hai b. David, the contemporary of R. Hilai, and not to R. Hai b. Sherira, who according to Mordecai, *Pesahim*, 583, holds an opposite view.

⁹ In ש"ה ascribed to R. Mattheias.

¹⁰ Read צדק כהן.

¹¹ הגרסאות ?

¹² Read רייא ; in ש"ש, V, 100 and ש"ה, 102, צמה without the name of his father and accordingly one of the Geonim.

	הגאונים 532	סר"ע 36 a ?	¹ ושאלתם 353
בפרוש ס' יצירה	סעדיה ⁸ 556	ה"ג b 38-37 e ; ה'	יהודאי 356
ה"ג a II	בהלכות 587	קמ"ר-קנ"ב	
	האי" ⁹ 591	ש"ה קנ"א	² הגאונים 365
	הגאונים 608	סר"ע 50 a	נצרונאי 374
	612	ה"ג, ה' מ"ה	יהודאי 382
	¹⁰ סעדיה 614	סר"ע 46 b	ישיבות 387
ג"ל, מ"ה	יהודאי 623	ה"ג, ה' הרכ"ג	פלוטו ³ 387
ג"ל, מ"ה	הוב 623		סעדיה 388
סר"ע b 52	הגאונים 624	ה"ג a 33-d-31 ; ה'	הילכות 409
ש"ץ I ; 22 b	הגאונים 624	קנ"ה-קס"ה	
	¹¹ הגאונים 637	הש"ר I, 24	יהודאי 414
	¹² שרירא 640	הש"ר I, 24-35	יהודאי 416
	האי" ¹² 640		בהלכות ⁴ 423
ה"ג d 46 ; ה' רכ"ש	יהודאי 642	ש"ה שי"ג	ושאלתם 433
	עמרם ¹³ 642	ה"ג c 34 ; ה' קע"ב	יהודאי 435
ה"ג d 69	ובהלכות 644		הגאונים ⁵ 435
אשכול II, 37	הגאונים 652	סר"ע 50 b	פלוטו 437
ה"ג d 126 ; ה' הקס"ו	הגאונים 740	סר"ע 42 b	צדוק 440
אשכול III, 48	האי" 754		עמרם ⁶ 445
	הנאון 755	ה"ג הר"כ	יהודאי ⁷ 458
	¹⁴ יהודאי 787	סר"ע 29 a	עמרם 463
		בפרוש ס' יצירה	סעדיה 519

¹ The passage of the *Seder* is quoted literally on p. 202, and it seems therefore that the source for the Responsum given on p. 353 is another one than the *Seder*.

² In ש"ה ascribed to R. Hai, but comp. above, p. 195, n. 8.

³ In ה"ג anonymously.

⁴ Neither in ה"ג I, nor in ה"ג II.

⁵ Comp. *G. S.*, pp. 309-10.

⁶ Not in the printed text of the *Seder* nor in the MSS.

⁷ Comp. Hildesheimer, ad loc.; our text reads differently.

⁸ Comp. Albargeloni, ה' ע' ס' יצירה, 177 and 341.

⁹ Comp. ש"ה, 6, where this Responsum is made use of.

¹⁰ In his code, comp. above, p. 165.

¹¹ Comp. *G. S.*, 250.

¹² Comp. Auerbach, in his commentary on אשכול II, 82.

¹³ Comp. above, p. 151.

¹⁴ Neither in ה"ג I, nor in ה"ג II.

THE IMPORTANCE OF THE GEONIC RESPONSA.

Defective and incomplete as is the state of the Responsa transmitted to us, so must be our judgment of their value. From Rabbi Shashna, about 680, until the death of Rabbi Hai in 1038, about eighty Geonim officiated as such, but barely more than a third are represented in our Responsa literature¹, and yet it is hardly open to a doubt that, if not all, at least a large majority of them must have given written expression of one kind or another to their views upon religious questions. But even of the Geonim from whom Responsa have come down to us, we know only one side of their activity, and of that side not enough to furnish grounds for an impartial and adequate judgment of their place in Jewish development. In the Responsa Collections available at the present day the Geonim appear as Halakists exclusively². Even the few Responsa that deal with Haggadic material touch upon it merely in the course of explanations of Talmudic passages. Thus what we know of the Geonim in relation to the Haggadah is not their independent view, but only their activity as commentators. And yet it was precisely in the domain of the Haggadah, in other words, in theology, religious philosophy, and related subjects, that the Geonim made no attempt to harmonise their views with those of the Talmud; their purpose was simply to explain the Talmud regardless of their own predilections. "Know that we are not, like some others, in the habit of explaining any matter apologetically, in contradiction to the real

¹ Almost all are on record in Müller; the only ones to be added are the two Geonim by the name of Kimoi, whose Responsa are found in an anonymous Halakic treatise published in *J. Q. R.*, IX, 681-761 (comp. above, p. 104, n. 1), and Rabbi Hezekiah ben Samuel, who, to be sure, was not actually a Gaon; comp. above, p. 7, n. 1.

² *ḥ"l*, 15, is surely not a Responsum, and its Geonic origin is very doubtful.

meaning of him from whom it proceeds. We will therefore expound to thee the opinion of the Tanna, his real meaning and his true purpose, without pledging ourselves for the correctness of the assertion made by him." These words of Rabbi Hai¹, who, in opposition to Rabbi Saadia and the philosophising school that followed him as its head, insisted upon an unbiassed explanation of the views of earlier teachers, characterise not only his own intellectual attitude, but also the spirit prevailing in the Academies so long as they remained untouched by alien influences. At the same time, his words make apparent how difficult it is to reach a knowledge of what the actual views of the Geonim themselves were. And yet, if any doubt had been entertained as to the theological trend of the discussions in some of the Responsa of the Geonim, it would have been dispelled by the list of Responsa printed in קהלת שלמה, 69-70, containing twenty-eight items, almost all of a theological nature². In that batch there were Responsa on the translation of Elijah and of Enoch, on *Shabuot* as the Feast of Revelation, on the suffering Messiah of the fifty-third chapter of Isaiah, on the death of the Messiah referred to in Zechariah xii. 16, and on many other interesting points, not one of which has been preserved in the Responsa literature now known to us. A comparison of Responsa lists in קהלת שלמה with our available Responsa Collections, leaves no room for doubt as to the guiding principle adopted for the latter. It was plainly intended that they should consist of Halakic and Talmudic material exclusively. This is the only possible explanation

¹ ל"ג, 99. The expression לחסות is probably an imitation of the Talmudic לחסות על בה אחרת in *Gittin*, 17a; comp. 'Aruk, s. v. בה אחרת and קה.

² It will not do, of course, to assign all these Responsa to the end of the Gaonate and ascribe them to Rabbi Hai. In fact, the list is headed לנאמיה. It is noteworthy that the first list, ו'—כ"ב, deals with difficult chronological problems in the Holy Scriptures, some of them being the data used by Hiwi Albalki as weapons against the authenticity of the Scriptures. Dr. Poznanski in his essay on Hiwi, הנין, VII, 112-37, makes no mention thereof.

for the phenomenon that most of the Responsa of Halakic bearing recorded in the lists just referred to have been preserved in our Collections¹, while those of Haggadic content have disappeared wholly and entirely.

Limited thus to pure Halakah, the Responsa nevertheless are of very considerable value. In the first place, they called forth a new species of literature, which in a measure shares with the Talmud the distinction of being the only department that can be described as peculiarly Jewish. Correspondence between scholars existed before Geonic times, nor was it an activity confined to Jews. But Responsa are something more, at all events something other than correspondence between scholars. The Geonim were not requested to give their views upon vexed religious questions merely on account of their scholarship and attainments, but because they were at the same time, in virtue of their high office, the representatives of legal authority. It is true that in an overwhelming number of cases the Geonim appeal to the authority of the Talmud. The Tannaim and Amoraim had a similar relation to the Bible as the only source of law. Yet it would be ridiculous to say that the teachers of the Talmud did no more than explain the Biblical law; their activity was equally fruitful in elaborating the fundamental law. Halevy holds that, barring two ordinances, there is nothing in the whole of Geonic literature not taken from the Talmud. The same logical process would properly lead to the conclusion that with the exception of the so-called "seven commands of the scholars," שבע מצות דרבנן, the Talmudic time produced nothing but what is prescribed in the Pentateuch. The Tannaim and Amoraim felt justified in considering their "ordinances and fences" as devised in the spirit of the Scriptures, and the Geonim were

¹ Of the fourteen Responsa in the list, p. 72, the following can be traced: א' in ג"ל, 55; ב' in רש"ר II, 46; ג' in ג"ה, 197; ד' in עמור I, 25 b; ה' in ש"י of Rabbi Meïr of Rothenburg, ed. Bloch, 177; ו' in ש"ץ, 43 b, 1; ז' in ה"ש, 187; ח' in ג"ל, 61.

persuaded of their implicit adhesion to the Talmud in all their decisions. This view taken by the Talmudists and the Geonim of their own activity may be conceded to be correct theoretically, but we are not thereby hindered from recognising it as a fact that Biblical law is not identical with Talmudic law, nor the latter with Geonic law. Every age has its problems, and though *the law* remained unchanged for all times among the Jews, *the laws* underwent modification along with the times. Let us consider only the varied development of Divine worship in the Geonic time. Built up on principles laid down in the Talmud, it yet is totally different in form from the service customary during the Talmudic time. Or, to take another illustration, in ג"ע, 67 b, 60, we have the Geonic decision that a husband may marry a second wife only with the consent of the first. The aim of the Talmudists, to entrench and increase the rights of women, is evident in a large number of their enactments, and the Gaon who gave the above decision felt himself in accord with the spirit of the Tannaim and Amoraim, though in this given concrete instance he was striking out into his own new path¹. And as the rights of women were developed during the Geonic period, so also were the rights of slaves. Thus we have a number of Geonic Responsa that grant liberty to a slave whose master has had intercourse with her. The reasons adduced against the validity of this Geonic decision on the basis of the Talmud cannot be set aside lightly². No doubt, the Geonim were aware of their opposition to the statements of the Talmud taken literally. They felt secure in the other consciousness that they were acting in its spirit. Rab Amram's decision³, that it is not permitted to take usury from a non-Jew, cannot be authenticated by resort to a Talmudic expression. If, nevertheless, Rab Amram forbade it strictly, in any circumstances, he

¹ *Yebamot*, 64 a, bottom, is another case; comp. ר"י ש"ב on the passage.

² Comp. the Responsa in *Saadyana*, 76-8, and א"ו, I, 164-5.

³ ג"ע, 40 a, 20.

thereby proved the potentialities for development latent in the Rabbinic law.

These examples, which might readily be multiplied twentyfold in every department of the Rabbinic law, will probably suffice to give an indication of the real value of the Geonic Responsa. Viewed thus, the Responsa are much more important than the codifications by the Geonim. In the latter, it is the Talmud that is given the opportunity to speak; in the Responsa it is the spirit of the Geonic times. For this reason, the Responsum became an example and a model for later generations. Their leaders and teachers used it as a means for making the Rabbinic law effective according to the changing circumstances of the times. The Responsa literature, created by the Geonim, developed, as to quantity and quality, into one of the most important branches of Rabbinic activity.

The chief distinction of the Geonic Responsa, in comparison with later Responsa, is that they became of fundamental importance for other departments of Rabbinical literature. The older commentaries on the Talmud, those of the North African school, for instance, are scarcely conceivable without the Responsa of the Geonim¹. It may be said confidently that Rabbi Hananel's commentary is an outcome of the Responsa by Rabbi Hai and Rabbi Sherira. They not only served him as a formal model for the explanation of the Talmud, but they contain such wealth of material for this very purpose that to this day they may be resorted to with great profit to the student. And as for Rabbi Nathan ben Yehiel, the great lexicographer, for him and his investigations, especially those into Aramaic word-structure, the Responsa were a veritable treasure-trove. His *'Aruk* is in large part a collection of Geonic glosses on the Talmud. Let the interested student compare the frag-

¹ There is no telling to what extent Rashi made use of the Geonic writings. The different readings he offers often go back to differences of opinion among the Geonim; comp., for instance, *Rosh ha-Shanah*, 28 a with פ"ט, I, 36.

ment published in *G. S.*, pp. 318-25, containing linguistic explanations bearing on the treatise *Shabbat*, with the corresponding headings in the *'Aruk*, and he cannot but be convinced of Rabbi Nathan's dependence upon the Geonim. Rabbi Abraham ben David, of Posquières, showed keen insight in judging of the value of Geonic contributions to Rabbinic literature. He said, "At the present time we may not explain a Talmud passage other than the Geonim, unless we have irrefutable evidence against their conception of it—which is never the case."

LIST OF ABBREVIATIONS OF TITLES OF BOOKS

- א"ר or א"ו = אור זרוע, by R. Isaac of Vienna.
 א"ה or א"ח = ארחות חיים = אר"ח, by R. Aaron of Lunel.
 אשכול, by R. Abraham b. Isaac of Narbonne.
 ג"ב = השניות הגאונים מהגניזה = the second volume of this book.
 ג"ה = *Responsen der Geonim*, by A. Harkavy.
 חשיבות הגאונים, ליק תר"כ = ג"ל.
 חשיבות גאוני מורח ומערב; מיללר, ברלין תרמ"ח = גמ"מ.
 חשיבות גאונים קדמונים; קאסעל, ברלין ת"ר"ח = ג"ק.
 הלכות פסוקות מן הגאונים; מיללר קראקא, תר"נג = ה"פ.
 חמדה גנוזה, והיא השו"ב הגאונים; ירושלים תר"כג = ה"ג.
 מחזור וישרי = מ"ו.
 מפתח לחשיבות הגאונים, מיללר ברלין תר"א = מפתח.
 סדר ר' עמרם = סר"ע.
 גשור, by R. Isaac b. Abbamari, ed. Lemberg, 1860.
 פרסם, by Rashi, ed. Constantinople, 1802.
 חזקוני, ed. Wertheimer, Jerusalem, 1900.
 ג"ה = קהלה שלמה.
 שבי הלקט = שב"ה.
 שיעורי צדק . . . חשיבות הגאונים = ש"ץ.
 שיעורי שמחה = ש"ש, by R. Isaac Ibn Gajat.
 שיעורי השו"ב ש"ג חשיבות הגאונים; לייפציג תר"ה = ש"ה.
 תורת האדם . . . חב"ד תר"מ ויניציאה שנת ש"ה = ת"ה.
 חשיבות חכמי צרפת ולוחרי, מיללר וויען תר"מא = ת"ש ה"צ ול'.
 הורחן של ראשונים, הורו"ץ פראנקפורט ע"מ תר"מב = תש"ר.
 חשיבות הגאונים ע"י קורנל וויען תר"לא = Coronel.
 G. S. = *Genizah Studies*; the second volume of this book.
 Graetz = *Geschichte der Juden*, vol. V, third edition.
 Halevy = *Dorot ha-Rishonim*, III.
 Harkavy. See ג"ה.
 Ittur. See גשור.
 J. Q. R. = *Jewish Quarterly Review*.
 Mafteah = *Einleitung in die Responsen der Geonen*, by Dr. J. Müller.
 Pardes. See פרסם.
 R. É. J. = *Revue des Études Juives*.
 Sherira = Letter by R. Sherira, ed. Neubauer.
 Z. H. B. = *Zeitschrift für hebräische Bibliographie*.

ADDITIONS

P. 4, n. 1 end. The Geonic Responsum in שב"הל, 38 and R. Sherira, 33, 22; 34, 6 refer to the same persecution during the reign of זירגרר, and there can be no doubt that either נחמן in הל"ה is corrupted from נחומי or שבימות from כשמת. Friedmann, in the introduction to his edition of 'אליהו ר', 101-2, has drawn unwarranted conclusions from this corrupted passage.—P. 8, n. 1, l. 8. Attention should be called to the fact, that "the Ten of the first row" have their parallel in the *πρῶτοι δέκα* of the old Palestinian councils. Comp. Schürer, *Geschichte d. jud. Volkes*, II, 253, fourth edition.—P. 10, l. 8 read Kimoi.—P. 12, l. 12 from below. Nahmanides, ת"הא, 28 d, quotes a Geonic Responsum where the triad (?) חכם אלוף וגאון occurs.—P. 12, l. 11 from below. Comp. *Midrash Shemuel*, XX, 106, ed. Berber: שאין הלכה מתבררת אלא ב"ג. Does it refer to the triad of the presidency of the Sanhedrin? *Yerushalmi, Sanhedrin*, II, 20 c reads פחות משלשה.—P. 13, l. 13 (note). Attention should be called to the fact that ר' אפס, the successor to R. Judah ha-Nassi, was his secretary, comp. Genesis R. LXXV.—P. 25, l. 14. Comp. ס' הישר, section טקן, 77 a ed. Venice, where עיר = ארץ.—P. 25, n. 1 end. Comp. *Midrash ha-Gadol*, 190, מעשיית, and the same in Gaster, מעשיית, 4; the Aramaic equivalent is: קם על; comp. *Hullin*, 97 b.—P. 29, l. 12. R. Sherira speaks of R. Elhanan as one who was: בשורה גדולה משלוש השורות; "the three rows" are referred to in *Mishnah, Sanhedrin*, IV, 4, and the *Midrash ha-Gadol*, 741: שלו שלש שורות של תלמידי חכמים שיושבין: לפניהם בכל עת הראש.—P. 32, n. 3. But more likely הראש is to be read, the title of the head of the Kairwan academy.—P. 40, n. 2. The distance between Bagdad and Sura as given by Funk in the map attached to his *Juden in Babylonien*, II, is by far too great.—P. 51, l. 9 (note) read גמ"ומ, 32, 86.—P. 53, l. 6 from below. In the Egyptian academies the title בית דין, shortened from אב בית דין, was used (*Saadyana*, 81), and there can be no doubt that גאון as title of the head of the Suran academy is shortened from גאון יאקב. The description of the academy as ראש ישיבת גאון יעקב

reminds one of the Aramaic expression יקרא דאירי תא used by R. Ashi, *Berakot*, 17 b, in speaking of the grandeur of the Suran academy, and there is no need to look for Latin or Persian models for the נאון as Kohut (*Aruch Completum*, s.v.) and Sachs (*Beiträge*, II, 83) do. Comp. also Abul R. Nathan, 25, ed. Schechter: נאון ש"ש, I, 63: נהרעא וסורא, where נהרעא=נהרעא and *J. Q. R.*, VI, 222.—P. 58, l. 8 (note). Comp. M. Coën ירמלאכי, 297, and Jacob Schorr מאיר עיני חכמים, 27 b–28 b, concerning the use of the Talmudic expression יתיב קמיה.—P. 71, l. 20. Comp. גדולת משה, where Enoch introduces himself to Moses as אבי אביך.—P. 71, n. 2. Comp. Targum, Isaiah xi. 1, and *Midrash Tehillim*, XVIII, 157, where בן בן = descendant.—P. 77, n. 2 end. The scholars of Kairwan (?) probably had in their mind the passage of *Yerushalmi*, *Ma'aserot*, IV, 51 b: לערב חמה=דמדומי חמה, which statement implies that ספק השיכה קובעת למעשר, else the Talmud would have said בספק חשכה instead of ערב שבת. Halevy l.c. and Ratner אהבת ציון וירושלים, *Pesahim*, 124, are of the opinion that the scholars of Kairwan refer to a passage not found in our text of the *Yerushalmi*.—P. 87, l. 8. Comp. however אהירא in *G. S.*, 390.—P. 88, n. 5. Comp. ה' הישר, ed. Rosenthal, 80: אהאי ור' אהאי; שפירש is to be read שברור; שהיה ראש לגאונים שברור.—P. 93, n. 1. Lerner, *Jahrbuch d. jüd. lit. Gesellschaft*, I, 210 et seq., tries in vain to prove the dependence of the *Yelamdenu* on the *She'eltot*.—P. 93, n. 2. There can be no doubt that the author of the פרקי ר"א was well acquainted with the *Babli*, but this does not imply that he was a Babylonian. The Jewish custom spoken of in chap. xvi is a Palestinian and not a Babylonian one, as can be seen from חלוף מנהגים, 37, ed. Müller. The use of חון in the meaning of שליח צבור in this Midrash is in all probability of Palestinian origin; the מנהג רומניא, an offset of the Palestinian מנהג is the only one to use חוניא in the meaning of פיוטים.—P. 94, l. 18. Müller in the introduction to his edition of סופרים, 21, maintains that the author of ס' ס' made use of the *She'eltot*, but I am not convinced of the correctness of this view. The *She'eltot* quotations in one version of the *Tanhuma* are later additions.—P. 94, n. 3. *She'elta*, LXVI on תענית properly belongs to the pericope תשא, a part of which is read on fastdays, and not to ויקהל as the editions have it; שב"הל, 260, quotes this *She'elta*

properly as שאילתא דיוהל משה.—P. 96, n. 1, l. 8. Comp. ס' הישר, 98 and 210.—P. 108, n. 1. The author of the שב"הל quotes a number of passages from the ה"ג which are not found in our versions, comp. the list of quotations given below, pp. 191–7.—P. 112, l. 2 (note). As late as the time of Maimonides the Rabbanites had to fight this Karaitic heresy, comp. his Responsa, n. 149; comp. also ס' אליהו ר', XVI, 75, ed. Friedmann.—P. 122, l. 11 (note). It is even doubtful whether R. Natronai while speaking of the Haggadic פיוטים thought of Kalir; the pre-Kaliric *Pajjetanim*, for instance, Yose ben Yose made use of the Haggadah for liturgical purposes.—P. 133, n. 1. Comp. *Wisdom*, xvi. 28: "That it might be known that we must rise before the sun to give Thee thanks, and must plead with Thee (= נתפלל אליך) at the dawning of the light."—P. 137, l. 5 from below. Del. the three Hebrew words.—P. 142, n. 1. The objection of the Babylonians to *Kol-Nidre* and הפרת נדרים in general is partly due to the fact that there were no מומחים in Babylonia, while the Palestinians continued to confer the ordination.—P. 145, l. 16. Comp. הישר, 82: רוב פיר' רוב' שמה שיש בו פיר' רוב' עמרם דברים מסדר ר' עמרם.—P. 145, n. 2. In ס' הישר, 82, top, the words ובסדר ר' עמרם belong to the preceding sentence, and are to be translated: "and the *Seder* of R. Amram contains it," namely the benediction over the kindling of lights. A quotation from the *Seder* not found in our texts is given in ס' הישר, 97.—P. 149, n. 1. Comp. שב"הל, 42 with ח"ג, 48 and מ"ז, 251 with גמ"ז, 72. The differences in the names go back to a different reading of the abbreviation ר"ג.—P. 152, l. 21. A reference to this part of the *Seder* is found in ס' הישר, 98.—P. 167, n. The *Seder* of R. Saadia is referred to in ס' הישר, 82.—P. 179, l. 20 (note). The ס' חפץ is quoted in פענה רוא, section שמות towards the end.—P. 181, n. 2. Comp. Sachs, תנין, 9–14.—P. 182, n. 3. Comp. however the words of R. Hai in ש"ץ, 6; 94 d.—P. 191 (22). Müller, *Mafteah*, 210 refers to *Pardes* as the source for this Responsum of R. Hai, but it is not found there.—P. 193 (67). Comp. Hildesheimer, ad loc.—P. 193 (89). Comp. קהלת שלמה, introduction, 15 et seq.—P. 193 (101). In the *Seder* ascribed to Sar Shalom.—P. 193 (115). Our texts of ה"ג read differently.—P. 195 (258: האיי). The view ascribed to the Gaon (= Hai) in תמים דעים is just the opposite of that ascribed to R. Hai by the author of שב"הל.—P. 197 (399:

(בהלכות). Comp. Mordecai, *Hullin*, 420, סמ"ג, Commandement, 63 and אר"ז, I, 114 b, who had the same text of the ה"ג as שב"הל; Hildesheimer's remark to ה"ג, 527, n. 59, is to be corrected accordingly.—P. 205, l. 5. This remark of RABeD is found in his MS. השנות against R. Zerechiah Gerondi in the Sulzberger Collection of the Jewish Theological Seminary of America.

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